

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H

4

HOUSE BILL 291  
Committee Substitute Favorable 4/22/21  
Committee Substitute #2 Favorable 5/6/21  
Senate Commerce and Insurance Committee Substitute Adopted 6/14/22

Short Title: Commercial Prop. Plan Review.

(Public)

Sponsors:

Referred to:

March 15, 2021

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AND REQUIRE CERTAIN TIME LINES FOR PLAN REVIEW AND APPROVAL OF COMMERCIAL AND MULTIFAMILY BUILDING PLANS FOR LOCAL GOVERNMENTS AND TO PROVIDE ALTERNATIVE METHODS FOR PLAN REVIEW.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 11 of Chapter 160D of the General Statutes is amended by adding a new section to read:

**"§ 160D-1104.2. Alternate method for commercial and multifamily building plan review.**

(a) Notwithstanding any provision of law to the contrary, for commercial and multifamily building plans submitted that require a design professional seal pursuant to the North Carolina Building Code, initial plan review shall be completed and a building permit decision issued within 21 days. During the initial 21-day period, the local government or its agents shall communicate with the design professional to resolve questions and issues with the submitted plan. If the local government requests additional information or requires that the plan be resubmitted with changes, the local government shall review the requested information or resubmitted plan and issue a building permit within 15 days from the receipt of the requested information or resubmitted plan.

(b) In the event the local government determines that it is unable to complete the initial plan review within 21 days, the local government may utilize the Department of Insurance and its marketplace pool of qualified Code-enforcement officials or utilize a third-party architect or engineer that possesses a valid certificate under G.S. 143-151.13 to perform the initial plan review provided that the total time for the initial plan review does not exceed the 21 days required under subsection (a) of this section. A local inspection department is responsible for all expenses for an initial plan review conducted by the Department of Insurance or a third-party architect or engineer under this subsection and shall not increase plan review or permit fees, or seek additional compensation, to recoup these expenses from a building permit applicant. Nothing in this subsection shall be construed to limit a local government and a building permit applicant from entering into a mutual agreement to complete an initial plan review in a time frame that differs from this subsection.

(c) The following shall apply (i) if the local government does not issue a building permit decision for the submitted plan within 21 days of initial plan submission as provided in subsection (a) of this section or (ii) when additional information or a plan resubmission is requested and the



\* H 2 9 1 - V - 4 \*

1 local government does not issue a building permit within 15 days of the receipt of the additional  
2 information or resubmitted plan as provided in subsection (a) of this section:

3 (1) The building permit applicant may utilize a third-party architect or engineer  
4 that possesses a valid certificate under G.S. 143-151.13 or the Department of  
5 Insurance and its marketplace pool of qualified Code-enforcement officials to  
6 review and approve the submitted plans. Upon review and approval by the  
7 third-party architect or engineer, or the Department of Insurance's marketplace  
8 pool of Code-enforcement officials, the local government shall issue all  
9 necessary building permits for the project within 72 hours.

10 (2) In the event a building permit applicant utilizes the review process set forth in  
11 subdivision (1) of this subsection, the local government shall refund or waive  
12 all plan review fees and building permit fees for the project upon issuance of  
13 the building permit.

14 (d) In the event the local government or its agents require specifications or manufacturer  
15 engineering information on an element, component, or fixture related to the submitted plan, the  
16 local government shall not delay or deny the issuance of a building permit or temporary  
17 certificate of occupancy based upon the receipt of specifications or manufacturer engineering  
18 information on an element, component, or fixture.

19 (e) Upon the issuance of a building permit utilizing a third-party review under  
20 subsections (b) and (c) of this section, the local government, its inspection department, and the  
21 inspectors are discharged and released from any liabilities, duties, and responsibilities with  
22 respect to or in common law from any claim arising out of or attributed to plan reviews performed  
23 by a third-party architect or engineer or the Department of Insurance's marketplace pool of  
24 Code-enforcement officials.

25 (f) In the event that a local government's ordinance conflicts with any part of this section,  
26 the provisions of this section shall supersede and preempt any ordinance adopted or imposed by  
27 the local government."

28 **SECTION 2.** G.S. 143-151.12(9) reads as rewritten:

29 "(9) Establish within the Department of Insurance a marketplace pool of qualified  
30 Code-enforcement officials available for the following purposes:

31 a. When requested by the Insurance Commissioner, to assist in the  
32 discharge of the Commissioner's duty under G.S. 143-139 to  
33 supervise, administer, and enforce the North Carolina State Building  
34 Code.

35 ...

36 c. When requested under G.S. 160D-1104.2."

37 **SECTION 3.** G.S. 143-151.13 is amended by adding a new subsection to read:

38 "(g) An architect or engineer who possesses a valid certificate under subsection (f) of this  
39 section, but is not employed by the State or a local government, may utilize that certificate for  
40 the limited purpose of performing initial plan reviews as permitted under G.S. 160D-1104.2(b)  
41 and (c)."

42 **SECTION 4.** This act becomes effective October 1, 2022, and applies to applications  
43 for permits submitted on or after that date.