House Select Committee on Implementation of Building Code Regulatory Reform

Presented by Mike Carpenter, Executive Vice President & General Counsel, and Robert Privott, Director of Codes & Construction, North Carolina Home Builders Association

February 15, 2018
HB 120 (SL 2013-118) prevents local building code departments from requiring any inspections not authorized under the building code.

Which inspections are authorized under the state building code?
SECTION 107 INSPECTIONS

107.1 General. The inspection department shall perform the following inspections:
1. Footing inspection;
2. Under slab inspection, as appropriate;
3. Foundation inspection,
4. Rough-in inspection;
5. Building framing inspection;
6. Insulation inspection;
7. Fire protection inspection (not applicable to residential); and
8. Final inspection.
Q Board Memo

On 01/23/18, NCHBA appeared before the NC Code Officials Qualification Board (“Q Board”) to request that it issue a notice to all its certificate holders (i.e., code enforcement officials) regarding the requirements of S.L. 2013-118. NCHBA is pleased to report that the Q Board voted unanimously to do so and the following memo was sent out on 02/01/18. We believe it has already produced a positive impact in compliance.
Q Board Letter (p 2)

NCHBA applauds this action by the Q Board which occurred with the support of the NC Department of Insurance.

House Bill 120 (Session Law 2013-118) was signed into law on June 19, 2013. This legislation restricts required inspections to those listed above. Additional inspections are not allowed without prior approval from the North Carolina Building Code Council.

The North Carolina Department of Insurance Engineering Division has recognized the concerns that Code Officials have and are working to address those accordingly. Recently, a formal interpretation was issued on November 28, 2017 from NCDOI, which is located here: http://www.ncdoi.com/OISFM/Engineering_and_Codes/DocumentInterpretations/Interpretations/171128%20Number%200a%20Residential%20Inspections.pdf

This formal interpretation states that a city or county [authority having jurisdiction] cannot add any additional inspections than those outlined in the NCACP without prior approval from the North Carolina Building Code Council (BCC). Additional inspections may be added through the normal rule-making process to the ones listed in the NCACP upon approval from the BCC.

In the recent past, the NC Code Officials Qualification Board found basis against a Code Official for requiring a "Pre-Final" inspection. This additional inspection was not one of the eight listed.

This memorandum is to remind all Code Officials to only perform the inspections listed in the NCACP, unless the permit holder affirmatively requests a voluntary "courtesy inspection". To be voluntary, a "courtesy inspection" request must arise from the permit holder and not be a suggestion arising from the jurisdiction.

If you and/or your department are unclear about this, please contact the Board's staff or the NC Department of Insurance, Engineering Division for clarification. The Board appreciates the diligence and knowledge each of you provide every day to ensure code compliance and public safety for the citizens of our State.
NCHBA Sampling of Local Jurisdictions Which Are Requiring Inspections Prohibited by these Acts

**Follow up**

<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>ADDITIONAL INSPECTION</th>
<th>SOURCE</th>
</tr>
</thead>
</table>
| Durham (City-County)          | 1. Open Floor Framing in conjunction with Foundation *  
|                               | 2. Sheathing                                                                         | Verified by DOI Staff |
| Elizabeth City                | 1. Open Floor Framing as separate inspection.  
|                               | 2. Sheathing                                                                         | Website               |
| Fayetteville (City)           | Open Floor Framing as separate inspection  
|                               | Amended to read:3A. Open Floor Framing *(optional but highly recommended)*          | Website               |
| Greenville (City)             | Nailing inspection (sheathing)                                                       | Verified by builder   |
| Sunset Beach                  | 1. Open Floor Framing  
|                               | 2. Exterior Wall Sheathing                                                           | Website               |
NCHBA Sampling of Local Jurisdictions Which Are Requiring Inspections Prohibited by these Acts

**Follow up** (continued)

<table>
<thead>
<tr>
<th>County</th>
<th>Pre-final ***</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dare County</td>
<td>Pre-final ***</td>
<td></td>
</tr>
<tr>
<td>Cumberland County</td>
<td>Open Floor Framing as separate inspection</td>
<td>Website</td>
</tr>
<tr>
<td>Franklin County</td>
<td>Open Floor Framing in conjunction with Foundation *</td>
<td>Website</td>
</tr>
<tr>
<td>Granville County</td>
<td>1. Open Floor Framing in conjunction with Foundation *</td>
<td>Verified by local builder</td>
</tr>
<tr>
<td></td>
<td>2. Flashing– roof and windows</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Stone veneer inspection – interior fireplaces and Exterior wall covering</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>All information regarding inspections have been removed from this website; no information on what is being currently required.</strong></td>
</tr>
<tr>
<td>Harnett County</td>
<td>Open Floor Framing as separate inspection</td>
<td>Website</td>
</tr>
</tbody>
</table>
NCHBA Sampling of Local Jurisdictions Which Are Requiring Inspections Prohibited by these Acts

**Follow up** (continued)

| Orange County                     | 1. Footing projection  
|                                 | 2. Waterproofing  
|                                 | 3. Open Floor Framing**  
|                                 | 4. Sheathing (Other than OSB or Plywood)  
|                                 | T-ply or foam**  
|                                 | 5. Presiding/Window flashing **  
|                                 | Orange County has communicated with our local HBA that it is “reassessing how we schedule and perform inspections.”  
|                                 | Website  
| Stanly County                    | 1. Open Floor Framing  
|                                 | 2. Sheathing  
|                                 | Verified by DOI Staff  

*Not permitted per Building Code Council Appeal Decision Quality Built vs. Town of Aberdeen April 16, 2015

** Not permitted per DOI formal interpretation April 20, 2016

***Not permitted per Qualification Board complaint investigation letter.
Types of Building Code Interpretations

- Code interpretations made by local code officials in the field.
- Informal interpretations made by the NC DOI Office of State Fire Marshall Engineering Division staff by e-mail, letter or telephone (may be accepted by the local code enforcement official or party requesting the interpretation).
- Formal Interpretation of the code by the Chief Code Consultant for the Department of Insurance (shall be binding on all parties). Posted on the DOI website.
- Appeal Decisions and interpretations made by the NC Building Code Council
HB 120 (SL 2013-118)
Building Code Interpretations

SL 2013-118 strengthened the administration of a true statewide building code by directing the Department of Insurance (DOI) to make DOI Engineering and Codes Section staff written and electronic code interpretations and all appeal decisions made by the Building Code Council available to the public by posting them on the Building Code Council’s website and by publishing them in the NC Register at least semi-annually.

SL 2015-145 (HB 255) further specified posting of interpretations be made within 10 business days of issuance.
HB 255
SL 2015-145

Building Code Reg. Reform

Became effective October 1, 2015.
G.S. § 143-151.8 Definitions was amended by adding a new subsection to read: "(c) For purposes of this Article, "willful misconduct, gross negligence, or gross incompetence" in addition to the meaning of those terms under other provisions of the General Statutes or at common law, shall include any of the following:

(5) To refuse to implement or adhere to an interpretation of the Building Code issued by the Building Code Council or the Department of Insurance."
HB 252
SL 2017-130

Building Code Reg. Reform

Became effective October 1, 2017.
HB 252 (SL 2017-130)
Building Code Interpretations

G.S. §153A-352 and §160A-412 Duties and responsibilities were amended by adding a new subsection to read:

"(f) Each inspection department shall implement a process for an informal internal review of inspection decisions made by the department's inspectors. This process shall include, at a minimum, the following:

1. Initial review by the supervisor of the inspector.
2. The provision in or with each permit issued by the department of (i) the name, phone number, and e-mail address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.
3. Procedures the department shall follow when a permit holder or applicant requests an internal review of an inspector's decision. Nothing in this subsection shall limit or abrogate any rights available under Chapter 150B of the General Statutes to a permit holder or applicant."
G.S. §143-140 was rewritten to add:

"§ 143-140. Hearings before enforcement agencies as to questions under Building Code.

(b) If an interpretation under this section or under G.S. 143-141(b) changes after a building permit is issued, the permit applicant may choose which version of the interpretation will apply to the permit, unless such a choice would cause harm to life or property."
203.2.1 Interpretations.

203.2.1.1 Informal interpretations. The Engineering Division shall provide informal interpretations on code-related matters either by e-mail, letter or telephone. These informal interpretations may be accepted by the local code enforcement official or party requesting the interpretation. Either party may request a formal Interpretation of the code.
203.2.1.2 Formal interpretations. Any person may request in writing a formal interpretation of the code. The request shall be addressed to the Chief Code Consultant for the Department of Insurance. The request shall be specific and shall reference the code sections in question. All formal interpretations shall be in writing. A formal interpretation shall be binding on all parties unless appealed to the Building Code Council as specified in Section 201.9.2. Formal interpretations determined to be of a general nature may be posted on the department web site. 

(General Statute 143-140)
NCDOI Office of State Fire Marshal
Engineering Division Interpretations Online

www.ncdoi.com
NCDOI Office of State Fire Marshal
Engineering Division Interpretations Online (continued)
ENGINEERING AND CODES = CODE ENFORCEMENT RESOURCES

Code Enforcement Resources

Code Interpretations

Search Again

2012 Residential

0101.2 - Automobile Bridge Code Applicability.pdf
0101.2 - Bed and Breakfast Dwelling.pdf
0101.2 - Condominium and Applicable Codes.pdf
0101.2 - Migrant Housing Facilities.pdf
0101.2 - Outdoor Fire Pits.pdf
0101.2 - Outdoor Fireplaces.pdf
0101.2 - Permit Requirements for Piers Docks Bulkheads on Residential Property.pdf
0101.2 - Bed and Breakfast Dwelling.pdf
0202 - Definition of Bedroom.pdf
0202 - Mean Roof Height Calculation.pdf
0301 - Cob Construction.pdf
0301.1 and Appendix M - Boathouses Accessory to Single-Family Dwellings.pdf
0301.2 - Seismic Design Categories.pdf
0312 - Use of OSMF Technical Data Sheet 153h for Determining DP Ratings for
Local Code Interpretation Inconsistencies

**FROM BUILDER:** We are experiencing difficulties with the Mecklenburg County Inspections group over the location of Duke’s power meters to our town homes in Charlotte.

Duke designed our 6 communities for gang meters on the end of our buildings and Mecklenburg allowed this on our first town home building we built, sold and have occupied in the middle of 2016.

Unfortunately now we understand this is in violation of their interpretation of the NEC and have had to retrofit our second building to meet their requirements.

We are meeting with Patrick Granson and Duke tomorrow to try to understand the County’s interpretation and attempt to figure out how to have Duke re-engineer our power layouts to accommodate this requirement.

It is significant as we have 6 communities underway and all 6 are designed with gang meters.

Meck. Co. is also demanding we go back and retrofit our existing building and put individual meters on the occupied building.

Certainly a mess.

(Email from Builder member)
Local Building Code Interpretation
Inconsistencies

FROM BUILDER:

Anchor bolt placement - the code requires anchor bolts every 6' and 12" from every corner with a minimum of 2 bolts per plate. Some inspectors are still requiring a bolt within 12" of where two sill plates meet in a long run.

(Email from Builder member)
R403.1.6 Foundation anchorage. When braced wall panels are supported directly on continuous foundations, the wall wood sill plate or cold-formed steel bottom track shall be anchored to the foundation in accordance with this section.

The wood sole plate at exterior walls on monolithic slabs and wood sill plate shall be anchored to the foundation with anchor bolts spaced a maximum of 6 feet (1829 mm) on center and not more than 12 inches from the corner.
Local Building Code Interpretation
Inconsistencies

FROM CODE OFFICIAL:
I told John that as part of our inspections we need to verify that 5/8” type “x” sheetrock is applied to the ceiling of the garage when there is living space above. I offered to stop by when the drywall was being hung to verify that fact. In lieu of that, and since paint is not part of code, I will inspect the labelling at final inspection. Please make sure that the manufacturer’s labeling of 5/8” type x is clearly visible at final inspection and not painted or “mudded” over.

Thank you in advance.

(Email from Builder member)
# TABLE R302.6
**DWELLING/GARAGE SEPARATION**

<table>
<thead>
<tr>
<th>SEPARATION</th>
<th>MATERIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the residence and attics</td>
<td>Not less than $\frac{1}{2}$-inch gypsum board or equivalent applied to the garage side</td>
</tr>
<tr>
<td>From all habitable rooms above the garage(^a)</td>
<td>Not less than $\frac{5}{8}$-inch Type X gypsum board or equivalent</td>
</tr>
<tr>
<td>Structure(s) supporting floor/ceiling assemblies used for separation</td>
<td>Not less than $\frac{1}{2}$-inch gypsum board or equivalent</td>
</tr>
<tr>
<td>required by this section</td>
<td></td>
</tr>
<tr>
<td>Garages located less than 3 feet from a dwelling unit on the same lot</td>
<td>Not less than $\frac{1}{2}$-inch gypsum board or equivalent applied to the interior side of exterior walls that are within this area</td>
</tr>
</tbody>
</table>

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

\(^a\) For dwelling units constructed prior to the 2012 code edition effective date (January 1, 2012), $\frac{1}{2}$-inch or greater existing gypsum on the bottom side of the garage ceiling shall be acceptable. Joints shall be taped.
Local Building Code Interpretation
Inconsistencies

From NCDOI Interpretation:

Answer: For dwelling units constructed prior to the 2012 code edition effective date (January 1, 2012), ½” or greater existing gypsum on the bottom side of the garage ceiling shall be acceptable. Joints shall be taped.
FROM BUILDER: I have a quick question for you. Does the NC Electrical code require that kitchen appliances be installed for final inspection (microwave, dishwasher, oven and range (all plug in appliances that are trimmed out). Many times builders do not want to install the appliances in an unsold spec home?

NC DOI Interpretation: There is no such requirement by the electrical code to install the appliances and a CC on the electrical final should not be withheld. The stove or “permanent provisions for cooking” may be a building code requirement in order to obtain a CO for a dwelling or possibly a CC on the building final.
Local Building Code Interpretation Inconsistencies

FROM BUILDER:
I am reminded of one issue in Ashe County where I had an inspector ask me, "if I can see a code violation from the car why should I bother doing the inspection". They have been known there to stop an inspection if they find multiple code violations and force the builder to fix "round 1" and reschedule for another inspection. I have not personally had that issue but others have shared that with me. In this case I got "that inspector" and he was wanting to be an %#$@*. I talked him out of the car and as it turned out he only found that one violation.

(Email from Builder member)
Partial Inspections – Some jurisdictions throughout the state choose an arbitrary number of code violations to establish a threshold of code violations for which they consider a project “not ready” for inspection (i.e. 8-15 violations). When that number of violations are noted during the inspection, it is stopped, the violations are noted, and the permit holder calls for a reinspection once these items are corrected. The reinspection generally generates another list of code violations and reinspection fees. With this type of system, it is no uncommon for a rough in framing inspection to take as long as three weeks.

Building framing includes inspection all aspects of framing to include: floor framing, walls, headers, stud columns, ceiling joists, rafters or trusses, point loads from roof to foundation, nailing patterns in headers, joist hangars, etc.

G.S. §153A-352 and § 160A-412 Duties and responsibilities. were amended by adding a new subsection to read:

(b)…….. In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit.
10.8 Temporary Power

10.8.1 Scope. The provisions of this section apply to the utilization of portions of the wiring system within a building to facilitate construction.

10.8.2 Provisions for Temporary Power. The Code enforcement official shall give permission and issue a permit to energize the electrical service when the provisions of 10.8 and the following requirements have been met:

1) The service wiring and equipment, including the meter socket enclosure, shall be installed, the service wiring terminated, and the service equipment covers installed.

2) The portions of the electrical system that are to be energized shall be complete and physically protected.

3) The grounding electrode system shall be complete.

4) The grounding and the grounded conductors shall be terminated in the service equipment.

5) At least one receptacle outlet with ground fault circuit interrupter protection for personnel shall be installed with the circuit wiring terminated.

6) The applicable requirements of the North Carolina Electrical Code apply.

10.8.3 Uses Prohibited. In no case shall any portion of the permanent wiring be energized until the portions have been inspected and approved by an electrical Code Enforcement Official. Failure to comply with this section may result in disconnection of power or revocation of permit.

10.8.4 Application for Temporary Power. Application for temporary power shall be made by and in the name of the applicant. The application shall explicitly state the portions of the energized electrical system, mechanical system, or plumbing system for which application is made, its intended use and duration.
Thank you for your attention. Questions?