

# House Select Committee on Implementation of Building Code Regulatory Reform

Presented by Robert Privott  
Director of Codes & Construction  
North Carolina Home Builders Association  
December 13, 2017



# HB 120 (SL 2013-118)

## Building Inspections

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?





# NC BUILDING CODE

## 2012 NC Administrative Code

### Section 107 Inspections

#### 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.

# HB 120 (SL 2013-118)

## Building Inspections

Section 107 of the NC Administrative Code and Policies lists the inspections that an inspection department must perform. **There are also inspection requirements in The NC Building Code in:**

**2012 NC ELECTRICAL CODE - SECTION 104 ADMINISTRATION** - directs the user to the North Carolina Administrative Code and Policies.

**2012 NC FUEL GAS CODE** Abridged for Residential Construction - **SECTION 107 (IFGC) INSPECTIONS AND TESTING** - directs the user to the North Carolina Administrative Code and Policies.


**2012 NC PLUMBING CODE** Abridged for Residential Construction - **SECTION 312 TESTS AND INSPECTIONS (Drainage and vent tests, Water supply system test, Shower liner test.)**

**2012 NC MECHANICAL CODE** Abridged for Residential Construction - **SECTION 107 INSPECTIONS AND TESTING** - directs the user to the North Carolina Administrative Code and Policies.

# 2012 NC Administrative Code

## Section 107 Inspections

**107.1.1 Footing inspection.** Footing inspections shall be made after the trenches are excavated, all grade stakes are installed, all reinforcing steel and supports are in place and tied, and all necessary forms and bulkheads are in place and braced, and before any concrete is placed.



**107.1.2 Under-slab inspection.** Under-slab inspections, as appropriate, shall be made after all materials and equipment to be concealed by the concrete slab are completed.



# 2012 NC Administrative Code

## Section 107 Inspections

### **107.1.3 Foundation inspection, crawl space.**

Foundation and crawl space inspections shall be made after all foundation supports are installed.

**107.1.4 Rough-in inspection.** Rough-in inspections shall be made when all building framing and parts of the electrical, plumbing, fire protection, or heating-ventilation or cooling system that will be hidden from view in the finished building have been placed, but before any wall, ceiling finish, or building insulation is installed

# 2012 NC Administrative Code

## Section 107 Inspections

**107.1.5 Building Framing Inspection.** Framing inspections shall be made after the roof (excluding permanent roof coverings), wall, ceiling, and floor framing is complete with appropriate blocking, bracing, and firestopping in place. The following items shall be in place and visible for inspection:

1. Pipes;
2. Chimneys and vents;
3. Flashing for roofs and chimneys;
4. Insulation baffles; and
5. All lintels that are required to be bolted to the framing for support shall not be covered by any exterior or interior wall or ceiling finish material before approval. Work may continue without approval for lintels supported on masonry or concrete.

# 2012 NC Administrative Code

## Section 107 Inspections

**107.1.6 Insulation inspection.** Insulation inspection shall be made after an *approved* building framing and rough-in inspection and after the permanent roof covering is installed, with all insulation and vapor retarders in place, but before any wall or ceiling covering is applied.





# 2012 NC Administrative Code

## Section 107 Inspections

**107.1.8 Final inspection.** Final inspections shall be made for each trade after completion of the work authorized under the technical codes.



# HB 120 (SL 2013-118)

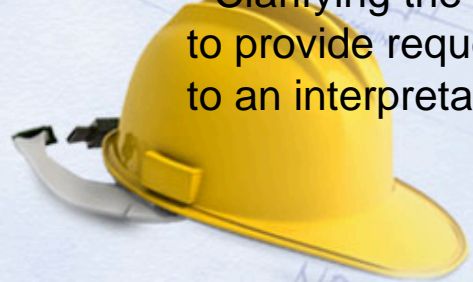
## Building Inspections

The act neither limits the type nor number of voluntary inspections that a local jurisdiction may provide or that a builder may request. The latter category of so-called “courtesy inspections” is in no way affected by HB 120. Only inspections that are required, beyond those set forth in the code, would have to be approved by the Building Code Council. However, a jurisdiction may not suggest or imply that the failure to request a “courtesy inspection” will harm the permit holder during the inspection process.

# HB 255 (Building Code Regulatory Reform Act of 2015)

## SL 2015-145 (applicable to Building Inspection)

- The statutes continue to allow that inspectors may make as many inspections *of the work* as may be required to satisfy themselves it is being done properly, however, they may not require inspections beyond those set forth in the NC Building Code. (153A-360 & 160A-420)
- Requires that inspections be performed in full and in a **timely manner** and that inspection reports include all items failing to meet code requirements (prohibits “partial inspections” by requiring a code official to complete all parts of a required inspection instead of the practice of some inspectors to end their inspection when a single item fails).
- Clarifying the definition of official misconduct for code officials (e.g., “habitual failure to provide requested inspections in a timely manner”; refusal to implement or adhere to an interpretation of the BCC or DOI).





# HB 252 (Building Code Regulatory Reform Act of 2017)

## S.L. 2017-130 (applicable to Building Inspection)

Except as provided in G.S. 160A-424 and G.S. 153A-364, a city or county may not adopt or enforce a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council.



# 04/16/16 Building Code Council Appeal Decision of Building Code Inspection Authority Under These New Provisions

- The Building Code Council is authorized by law to provide interpretations of the building code and relevant laws.
- A builder appealed the requirement of the Town of Aberdeen to submit to an “open floor inspection” which is not among the inspections permitted by the North Carolina Building Code.
- The Council concluded that “an open floor inspection is not included as a part of any inspection on the list of eight inspections under Section 107.1 of the Building Code.”
- This interpretation is available to the public via the Department of Insurance website.

# DOI Engineering Section Interpretations of 04/20/16 and 11/28/17

- The Department of Insurance Engineering Section is authorized by law to provide interpretations of the building code and relevant laws.
- On 04/16/16, the DOI issued a formal interpretation that “partial (fragmented/separate) inspections would not be allowed as regular, routine inspections of buildings or other structures constructed in compliance with the NC Residential Code for One- and Two-Family Dwellings.”
- On 11/28/17, the DOI issued a formal interpretation that affirmed that no inspections in addition to those specific inspections required by the NC Building Code may be required.



# **NC Code Officials Qualification Board Disciplinary Case—10/03/16 regarding a “Pre-Final Inspection” Requirement**

- This Board has the responsibility to certify and discipline local code enforcement officials.
- A builder filed a complaint with this Board as a result of being required to submit to a “pre-final inspection” by the Village of Pinehurst.
- This Board ruled that “as a Pre-Final is not listed in [the Code] as a required inspection, the Village of Pinehurst may not require this inspection without approval of the NC Building Code Council” and letters of caution were issued to the specific local inspectors.

# NCHBA Sampling of Local Jurisdictions Which Are Requiring Inspections Prohibited by these Acts

JURISDICTION	ADDITIONAL INSPECTION	SOURCE
Durham (City-County)	<ol style="list-style-type: none"><li>1. Open Floor Framing in conjunction with Foundation *</li><li>2. Sheathing</li></ol>	Verified by Local Builder
Elizabeth City	<ol style="list-style-type: none"><li>1. Open Floor Framing as separate inspection.</li><li>2. Sheathing</li></ol>	Website
Fayetteville (City)	Open Floor Framing as separate inspection	Website
Greenville (City)	Nailing inspection (sheathing)	Website
Sunset Beach	<ol style="list-style-type: none"><li>1. Open Floor Framing</li><li>2. Exterior Wall Sheathing</li></ol>	Website

# NCHBA Sampling of Local Jurisdictions Which Are Requiring Inspections Prohibited by these Acts (continued)

Dare County	Pre-final ***	Website
Cumberland County	Open Floor Framing as separate inspection	Website
Franklin County	Open Floor Framing in conjunction with Foundation *	Website
Granville County	<ol style="list-style-type: none"><li>1. Open Floor Framing in conjunction with Foundation *</li><li>2. Flashing– roof and windows</li><li>3. Stone veneer inspection – interior fireplaces and Exterior wall covering</li></ol>	Verified by local builder
Harnett County	Open Floor Framing as separate inspection	Website



# NCHBA Sampling of Local Jurisdictions Which Are Requiring Inspections Prohibited by these Acts (continued)

Orange County	<ol style="list-style-type: none"><li>1. Footing projection</li><li>2. Waterproofing</li><li>3. Open Floor Framing**</li><li>4. Sheathing (Other than OSB or Plywood) T-ply or foam**</li><li>5. Presiding/Window flashing **</li></ol>	Website
Stanly County	<ol style="list-style-type: none"><li>1. Open Floor Framing</li><li>2. Sheathing</li></ol>	Verified by Local Builder

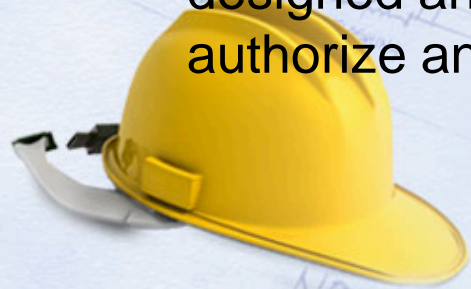
\*Not permitted per Building Code Council Appeal Decision Quality Built vs. Town of Aberdeen April 16, 2015

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

\*\*\*Not permitted per Qualification Board complaint investigation letter.

# **S.L. 2015-145 (Licensed Architect or Engineer Authorized to Design and Inspect)**

- Requires local building inspection departments to accept, without further inspection, any design or other proposal for a component or element in a building which is completed, and field inspected, by a licensed engineer or architect who certifies under seal that the design complies with all requirements of the commercial or residential code.
- While the law permits a building element or component to be designed and inspected (e.g., a footing), it does not appear to authorize an inspection of an entire structure.



## **S.L. 2017-130 (Licensed Architect or Engineer Authorized to Design and Inspection)**

- This most recent act authorizes the field inspection of the installation or completion of a construction component or element of the building to be performed by any licensed architect or licensed engineer or a person under the direct supervisory control of the licensed architect or licensed engineer (not just the designing architect or engineer).
- The licensed architect or licensed engineer who performs the field inspection provides the city/county with a signed written document stating the component or element of the building so inspected is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings.
- To date, NCHBA has received only one report of a jurisdiction which appears to be making this procedure overly burdensome. However, we believe the availability of this option is not widely known to either the residential or commercial communities. As it becomes known, we anticipate increased use.



Thank you for your attention.  
Questions?

