

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 378

Short Title: Code Council Reorg. and Var. Code Amend. (Public)

Sponsors: Senators Jarvis, Moffitt, and Perry (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 28, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO REORGANIZE THE BUILDING CODE COUNCIL AND CREATE THE
3 RESIDENTIAL CODE COUNCIL AND TO AMEND VARIOUS PROVISIONS OF THE
4 NORTH CAROLINA STATE BUILDING CODE AND LAND DEVELOPMENT
5 REGULATIONS.

6 The General Assembly of North Carolina enacts:

7
8 **BUILDING CODE COUNCIL REORGANIZATION, CREATION OF THE**
9 **RESIDENTIAL CODE COUNCIL, AND CLARIFY STATUTORY REFERENCES TO**
10 **THE NORTH CAROLINA STATE BUILDING CODE**

11 **SECTION 1.(a)** Article 9 of Chapter 143 of the General Statutes reads as rewritten:

12 "Article 9.

13 "~~Building Code Council~~ Council, Residential Code Council, and North Carolina State Building
14 Code.

15 **"§ 143-136. Building Code Council created; membership, committees.**

16 ...

17 (d) Building Code Committee Created; Duties. – Within the Building Code Council, there
18 is hereby created a Building Code Committee for all structures except those subject to the North
19 Carolina ~~State Residential Building Code: Residential Code for One and Two Family~~
20 ~~Dwellings Code.~~ The committee shall be composed of the following nine members of the
21 Building Code Council:

- 22 (1) One of the licensed architects appointed by the chairman of the Building Code
23 Council.
24 (2) The licensed engineer practicing mechanical engineering.
25 (3) The licensed engineer practicing electrical engineering.
26 (4) The licensed engineer practicing structural engineering.
27 (5) The municipal elected official.
28 (6) The fire service representative.
29 (7) The municipal or county building inspector.
30 (8) The State agency engineer.
31 (9) The licensed general contractor.

32 The chairman of the Building Code Council shall call the first meeting of the Committee, at
33 which meeting the Committee shall elect a chairman from among the members of the Committee
34 as the first order of business. Thereafter, the Committee shall meet upon the call of the chairman
35 to review any proposal for revision or amendment to the North Carolina ~~State Building Code,~~
36 including provisions applicable to the North Carolina Energy Conservation Code, the North



1 Carolina Electrical Code, the North Carolina Fuel Gas Code, the North Carolina Plumbing Code,
2 the North Carolina Mechanical Code, the North Carolina Existing Building Code, and any other
3 code applicable to commercial or multi-family construction, and no revision or amendment to
4 any of these codes applicable to commercial or multi-family construction may be considered by
5 the Building Code Council unless recommended by this committee. This committee shall also
6 oversee the process by which the Council conducts its revision of the codes applicable to
7 commercial or multi-family construction pursuant to G.S. 143-138(d). This committee shall also
8 consider any appeal or interpretation arising under G.S. 143-141 pertaining to codes applicable
9 to commercial or multi-family construction and make a recommendation to the Building Code
10 Council for disposition of the appeal or interpretation. In considering the recommendations of
11 the committee related to revisions and amendments of the Building Code, nothing in this
12 subsection shall prevent the Building Code Council from accepting, rejecting, or amending the
13 recommendation, provided that any amendment to the recommendation must be germane.

14 **"§ 143-136.1. Residential Code Council created; membership.**

15 (a) Creation; Membership. – There is hereby created a Residential Code Council, which
16 consists of 13 members appointed as follows:

- 17 (1) One member appointed by the General Assembly upon the recommendation
18 of the Speaker of the House of Representatives who shall hold an unlimited
19 residential contractor license under Chapter 87 of the General Statutes.
- 20 (2) One member appointed by the General Assembly upon the recommendation
21 of the President Pro Tempore of the Senate who shall hold an intermediate
22 residential contractor license under Chapter 87 of the General Statutes.
- 23 (3) One member appointed by the General Assembly upon the recommendation
24 of the Speaker of the House of Representatives who shall hold a plumbing
25 contractor license under Chapter 87 of the General Statutes and specializes in
26 residential construction.
- 27 (4) One member appointed by the General Assembly upon the recommendation
28 of the President Pro Tempore of the Senate who shall hold a heating contractor
29 license under Chapter 87 of the General Statutes and specializes in residential
30 construction.
- 31 (5) One member appointed by the General Assembly upon the recommendation
32 of the Speaker of the House of Representatives who shall hold an unlimited
33 general contractor license under Chapter 87 of the General Statutes and
34 specializes in coastal construction.
- 35 (6) One member appointed by the General Assembly upon the recommendation
36 of the President Pro Tempore of the Senate who shall hold a limited residential
37 contractor license under Chapter 87 of the General Statutes.
- 38 (7) One member appointed by the Governor subject to confirmation in accordance
39 with Section 5(8) of Article III of the North Carolina Constitution, who shall
40 hold an electrical contractor license under Chapter 87 of the General Statutes.
- 41 (8) One member appointed by the Governor subject to confirmation in accordance
42 with Section 5(8) of Article III of the North Carolina Constitution, who shall
43 be a licensed professional engineer under Chapter 89C of the General Statutes
44 and specializes in residential construction.
- 45 (9) One member appointed by the Governor subject to confirmation in accordance
46 with Section 5(8) of Article III of the North Carolina Constitution, who shall
47 be a Level I or Level II Code-enforcement official employed by a municipality
48 or county.
- 49 (10) One member appointed by the Governor subject to confirmation in accordance
50 with Section 5(8) of Article III of the North Carolina Constitution, who shall
51 be a member of the public-at-large.

1 (11) One member appointed by the Governor subject to confirmation in accordance
2 with Section 5(8) of Article III of the North Carolina Constitution, who shall
3 be a licensed architect under Chapter 83A of the General Statutes and
4 specializes in residential construction or a licensed professional engineer
5 under Chapter 89C of the General Statutes and specializes in residential
6 construction.

7 (12) One member appointed by the Governor subject to confirmation in accordance
8 with Section 5(8) of Article III of the North Carolina Constitution, who shall
9 be a fire service representative.

10 (13) One member appointed by the Governor subject to confirmation in accordance
11 with Section 5(8) of Article III of the North Carolina Constitution, who shall
12 hold a general contractor license under Chapter 87 of the General Statutes and
13 specializes in residential foundations or concrete placement.

14 (b) Terms; Vacancies; Chair. – Of the members initially appointed by the General
15 Assembly upon the recommendation of the Speaker of the House of Representatives, one shall
16 serve for a term of two years, one shall serve for a term of four years, and one shall serve for a
17 term of six years. Of the members initially appointed by the General Assembly upon the
18 recommendation of the President Pro Tempore of the Senate, one shall serve for a term of two
19 years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the
20 members initially appointed by the Governor, one shall serve for a term of two years, one shall
21 serve for a term of four years, and two shall serve for a term of six years. Thereafter, all
22 appointments shall be for terms of six years. Appointments by the General Assembly shall be
23 made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in
24 accordance with G.S. 120-122. Vacancies in appointments made by the Governor shall be filled
25 by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the
26 North Carolina Constitution. The Governor shall designate one member of the Council as chair.

27 (c) Compensation. – Members of the Residential Code Council, other than any who are
28 employees of the State, shall receive seven dollars (\$7.00) per day, including necessary time
29 spent in traveling to and from their place of residence within the State to any place of meeting or
30 while traveling on official business of the Council. In addition, all members shall receive mileage
31 and subsistence according to State practice while going to and from any place of meeting, or
32 when on official business of the Council.

33 (d) Duties. – The Residential Code Council shall review and consider any proposal for
34 revision or amendment to the North Carolina Residential Code, including applicable provisions
35 from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North
36 Carolina Fuel Gas Code, North Carolina Plumbing Code, North Carolina Mechanical Code,
37 North Carolina Existing Building Code, and any other code applicable to residential construction.
38 This Council shall also consider any appeal or interpretation arising under G.S. 143-141
39 pertaining to the North Carolina Residential Code and make disposition of the appeal or issue an
40 interpretation.

41 ...

42 **§ 143-137.1. Organization of Residential Code Council; rules; meetings; staff; fiscal**
43 **affairs; quorum.**

44 (a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the
45 Residential Code Council shall meet on call of the Commissioner of Insurance. The Council shall
46 adopt rules it may deem necessary for the proper discharge of its duties. The chair may establish
47 and appoint members to any committees the work of the Council may require. In addition, the
48 chair may establish and appoint an ad hoc code revision committee to consider and prepare
49 revisions and amendments to the North Carolina Residential Code. The ad hoc committee shall
50 consist of members of the Council, licensed contractors, and design professionals most affected

1 by the North Carolina Residential Code, and members of the public. Committees shall meet upon
2 the call of their respective chairs and shall report their recommendations to the Council.

3 (b) Meetings. – The Residential Code Council shall meet regularly, at least once every
4 six months, at places and dates to be determined by the Council. Special meetings may be called
5 by the chair and must be called by the chair at the request of two or more members of the Council.
6 All members shall be notified by the chair in writing of the time and place of regular and special
7 meetings at least seven days in advance of such meeting. All meetings shall be open to the public.

8 (c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall
9 serve as a staff for the Residential Code Council. This staff shall have the following duties:

10 (1) Keeping an accurate and complete record of all meetings, hearings,
11 correspondence, laboratory studies, and technical work performed by or for
12 the Council, and making these records available for public inspection at all
13 reasonable times.

14 (2) Handling correspondence for the Council.

15 (d) Fiscal Affairs of the Council. – All funds for the operations of the Residential Code
16 Council and its staff shall be appropriated to the Department of Insurance for the use of the
17 Council. These funds shall be held in a separate or special account on the books of the Department
18 of Insurance, with a separate financial designation or code number to be assigned by the
19 Department of Administration or its agent. Expenditures for staff salaries and operating expenses
20 shall be made in the same manner as the expenditure of any other Department of Insurance funds.
21 The Department of Insurance may hire any additional personnel necessary to handle the work of
22 the Council, within the limits of funds appropriated for the Council and with the approval of the
23 Council.

24 (e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the
25 transaction of business and an affirmative vote of nine members present shall be necessary to
26 approve any action of the Council, including any amendment or revision to the North Carolina
27 Residential Code. No member may vote by proxy.

28 **"§ 143-138. North Carolina State Building Code.**

29 (a) Preparation and Adoption. – The Building Code Council and Residential Code
30 Council may prepare and adopt, in accordance with the provisions of this Article, a North
31 Carolina State Building Code. Before the adoption of any volume of the Code, or any part of the
32 Code, the responsible Council shall hold at least one public hearing. A notice of the public
33 hearing shall be published in the North Carolina Register at least 15 days before the date of the
34 hearing. Notwithstanding G.S. 150B-2(8a)h., any volume, or any part, of the North Carolina
35 State Building Code as adopted by the Building Code Council or Residential Code Council is a
36 rule within the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with the
37 procedural requirements of Article 2A of Chapter 150B of the General Statutes. For the purposes
38 of this Article, "North Carolina State Building Code" or "Code" shall collectively refer to all
39 Code volumes, as revised or amended, prepared and adopted by the Building Code Council or
40 Residential Code Council pursuant to this Article, including the following Code volumes:

41 (1) North Carolina Administrative Code and Policies.

42 (2) North Carolina Building Code.

43 (3) North Carolina Electrical Code.

44 (4) North Carolina Energy Conservation Code.

45 (5) North Carolina Existing Building Code.

46 (6) North Carolina Fire Code.

47 (7) North Carolina Fuel Gas Code.

48 (8) North Carolina Mechanical Code.

49 (9) North Carolina Plumbing Code.

50 (10) North Carolina Residential Code.

51 (a1) Additional Adoption Requirements. –

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

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

15 (b) Contents of the Code. – The North Carolina State Building Code, as adopted by the
16 Building Code Council or Residential Code Council, may include reasonable and suitable
17 classifications of buildings and structures, both as to use and occupancy; general building
18 restrictions as to location, height, and floor areas; rules for the lighting and ventilation of
19 buildings and structures; requirements concerning means of egress from buildings and structures;
20 requirements concerning means of ingress in buildings and structures; rules governing
21 construction and precautions to be taken during construction; rules as to permissible materials,
22 loads, and stresses; rules governing chimneys, heating appliances, elevators, and other facilities
23 connected with the buildings and structures; rules governing plumbing, heating, air conditioning
24 for the purpose of comfort cooling by the lowering of temperature, and electrical systems; and
25 such other reasonable rules pertaining to the construction of buildings and structures and the
26 installation of particular facilities therein as may be found reasonably necessary for the protection
27 of the occupants of the building or structure, its neighbors, and members of the public at large.

28 ...

29 (b2) Carbon Monoxide Alarms. – The Code (i) may contain provisions requiring the
30 installation of either battery-operated or electrical carbon monoxide alarms in every dwelling
31 unit having a combustion heater, appliance, or fireplace, and in any dwelling unit having an
32 attached garage and (ii) shall contain provisions requiring the installation of electrical carbon
33 monoxide alarms at a lodging establishment. Violations of this subsection and rules adopted
34 pursuant to this subsection shall be punishable in accordance with subsection (h) of this section
35 and G.S. 143-139. In particular, the rules shall provide:

36 ...

37 (3) The Building Code Council shall modify the ~~NC State Building Code (Fire~~
38 ~~Prevention)~~ North Carolina Fire Code to regulate the provisions of this
39 subsection in new and existing lodging establishments, including hotels,
40 motels, tourist homes that provide accommodations for seven or more
41 continuous days (extended-stay establishments), and bed and breakfast inns
42 and bed and breakfast homes as defined in G.S. 130A-247; provided nothing
43 in this subsection shall prevent the Building Code Council from establishing
44 more stringent rules regulating carbon monoxide alarms or detectors for new
45 lodging establishments, including hotels, motels, tourist homes that provide
46 accommodations for seven or more continuous days (extended-stay
47 establishments), and bed and breakfast inns and bed and breakfast homes as
48 defined in G.S. 130A-247. The Building Code Council shall modify the ~~NC~~
49 ~~State Building Code (Fire Prevention)~~ North Carolina Fire Code minimum
50 inspection schedule to include annual inspections of new and existing lodging
51 establishments, including hotels, motels, and tourist homes that provide

1 accommodations for seven or more continuous days (extended-stay
2 establishments), and bed and breakfast inns and bed and breakfast homes as
3 defined in G.S. 130A-247 for the purpose of compliance with this subsection.

4 (4) Upon discovery of a violation of this subsection that poses an imminent hazard
5 and that is not corrected during an inspection of a lodging establishment
6 subject to the provisions of G.S. 130A-248, the code official responsible for
7 enforcing the ~~NC State Building Code (Fire Prevention)~~ North Carolina Fire
8 Code shall immediately notify the local health director for the county in which
9 the violation was discovered, or the local health director's designee, by verbal
10 contact and shall also submit a written report documenting the violation of this
11 subsection to the local health director for the county in which the violation
12 was discovered, or the local health director's designee, on the next working
13 day following the discovery of the violation. Within one working day of
14 receipt of the written report documenting a violation of this subsection, the
15 local health director for the county in which the violation was discovered, or
16 the local health director's designee, shall investigate and take appropriate
17 action regarding the permit for the lodging establishment, as provided in
18 G.S. 130A-248. Lodging establishments having five or more rooms that are
19 exempted from the requirements of G.S. 130A-248 by G.S. 130A-250 shall
20 be subject to the penalties set forth in the ~~NC State Building Code (Fire~~
21 ~~Prevention)~~ North Carolina Fire Code.

22 (5) Upon discovery of a violation of this subsection that does not pose an
23 imminent hazard and that is not corrected during an inspection of a lodging
24 establishment subject to the provisions of G.S. 130A-248, the owner or
25 operator of the lodging establishment shall have a correction period of three
26 working days following the discovery of the violation to notify the code
27 official responsible for enforcing the ~~NC State Building Code (Fire~~
28 ~~Prevention)~~ North Carolina Fire Code verbally or in writing that the violation
29 has been corrected. If the code official receives such notification, the code
30 official may reinspect the portions of the lodging establishment that contained
31 violations, but any fees for reinspection shall not exceed the fee charged for
32 the initial inspection. If the code official receives no such notification, or if a
33 reinspection discovers that previous violations were not corrected, the code
34 official shall submit a written report documenting the violation of this
35 subsection to the local health director for the county in which the violation
36 was discovered, or the local health director's designee, within three working
37 days following the termination of the correction period or the reinspection,
38 whichever is later. The local health director shall investigate and may take
39 appropriate action regarding the permit for the lodging establishment, as
40 provided in G.S. 130A-248. Lodging establishments having five or more
41 rooms that are exempted from the requirements of G.S. 130A-248 by
42 G.S. 130A-250 shall be subject to the penalties set forth in the ~~NC State~~
43 ~~Building Code (Fire Prevention)~~ North Carolina Fire Code.

44 ...

45 (b7) Appendices. – For the information of users thereof, the Code shall include as
46 appendices the following:

- 47 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure
48 Vessels Rules,
49 (2) Any rules relating to the safe operation of elevators adopted by the
50 Commissioner of Labor, and

- 1 (3) Any rules relating to sanitation adopted by the Commission for Public Health
2 which the Building Code Council or Residential Code Council believes
3 pertinent.

4 The Code may include references to such other rules of special types, such as those of the
5 Medical Care Commission and the Department of Public Instruction as may be useful to persons
6 using the Code. No rule issued by any agency other than the Building Code Council or
7 Residential Code Council shall be construed as a part of the Code, nor supersede that Code, it
8 being intended that they be presented with the Code for information only.

9 ...

10 (b9) Exclusion for Industrial Machinery. – Nothing in this Article shall extend to or be
11 construed as being applicable to the regulation of the design, construction, location, installation,
12 or operation of industrial machinery. However, if during the ~~building code~~ Code inspection
13 process, an electrical inspector has any concerns about the electrical safety of a piece of industrial
14 machinery, the electrical inspector may refer that concern to the Occupational Safety and Health
15 Division in the North Carolina Department of Labor but shall not withhold the certificate of
16 occupancy nor mandate third-party testing of the industrial machinery based solely on this
17 concern. For the purposes of this paragraph, "industrial machinery" means equipment and
18 machinery used in a system of operations for the explicit purpose of producing a product or
19 acquired by a State-supported center providing testing, research, and development services to
20 manufacturing clients. The term does not include equipment that is permanently attached to or a
21 component part of a building and related to general building services such as ventilation, heating
22 and cooling, plumbing, fire suppression or prevention, and general electrical transmission.

23 ...

24 (b13) Migrant Housing. – The Building Code Council shall provide for an exemption from
25 any requirements in the ~~fire prevention code~~ North Carolina Fire Code for installation of an
26 automatic sprinkler system applicable to buildings meeting all of the following:

- 27 (1) Has one floor.
28 (2) Meets all requirements of 29 C.F.R. § 1910.142, as amended.
29 (3) Meets all requirements of Article 19 of Chapter 95 of the General Statutes and
30 rules implementing that Article.

31 For purposes of this subsection, "migrant housing" and "migrant" shall be defined as in
32 G.S. 95-223.

33 ...

34 (b15) Exclusion from Energy Conservation Code Requirements for Existing Commercial
35 Buildings. – The alteration of commercial buildings and structures that received a certificate of
36 occupancy prior to January 1, 2012, may be subject to the rules pertaining to energy efficiency
37 and energy conservation that were in effect on December 31, 2011. The addition to commercial
38 buildings and structures that received a certificate of occupancy prior to January 1, 2012, may be
39 subject to the rules pertaining to energy efficiency and energy conservation that were in effect
40 on December 31, 2011, so long as the addition does not increase the building area of the existing
41 commercial building or structure to more than one hundred fifty percent (150%) of the building
42 area of the commercial building or structure as it was in existence on December 31, 2011. For
43 the purpose of this subsection, the term "commercial buildings and structures" shall include all
44 structures and buildings that are not classified as a Group R occupancy by the Building Code
45 Council.

46 ...

47 (b18) Exclusion From Energy ~~Efficiency~~ Conservation Code Requirements for Certain Use
48 and Occupancy Classifications. – The Building Code Council shall provide for an exemption
49 from any requirements in the energy efficiency standards pursuant to Chapter 13 of the 2012
50 North Carolina Building Code and the 2012 Energy Conservation Code, and any subsequent
51 amendments to the North Carolina Building Code and North Carolina Energy Conservation

1 Code, for the following use and occupancy classifications pursuant to Chapter 3 of the 2012
2 North Carolina Building Code: Section 306, Factory Group F; Section 311, Storage Group S;
3 and Section 312, Utility and Miscellaneous Group U. This exclusion shall apply to the entire
4 floor area of any structure for which the primary use or occupancy is listed herein.

5 (b19) Exclusion From Energy Efficiency Code Requirements for Residential Garages. –
6 The Residential Code Council shall provide for an exemption for detached and attached garages
7 located on the same lot as a dwelling from any requirements in the energy efficiency standards
8 pursuant to Chapter 11 of the North Carolina Residential Code ~~for One and Two Family~~
9 ~~Dwellings~~ and Chapter 4 of the North Carolina Energy Conservation Code.

10 ...

11 (b22) (Expires December 31, 2024 – see note) Limit Requirement for Certain Plans to be
12 Under Professional Seal. – The North Carolina State Building Code shall not require that plans
13 and specifications for any alteration, remodeling, renovation, or repair of a commercial building
14 or structure be prepared by and under the seal of a registered architect licensed under Chapter
15 83A of the General Statutes, or a registered engineer licensed under Chapter 89C of the General
16 Statutes, if the alteration, remodeling, renovation, or repair costs less than three hundred thousand
17 dollars (\$300,000) or if the total building area does not exceed 3,000 square feet in gross floor
18 area and all of the following apply:

- 19 (1) The alteration, remodeling, renovation, or repair does not include the addition,
20 repair, or replacement of load-bearing structures.
- 21 (2) The alteration, remodeling, renovation, or repair is not subject to the
22 requirements of G.S. 133-1.1(a).
- 23 (3) The alteration, remodeling, renovation, or repair is performed in accordance
24 with the current edition of the North Carolina Fire ~~Prevention~~ Code.

25 (c) Standards to Be Followed in Adopting the Code. – All regulations contained in the
26 North Carolina State Building Code shall have a reasonable and substantial connection with the
27 public ~~health, safety, morals, or general welfare,~~ health and safety, and their provisions shall be
28 construed reasonably to those ends. Requirements of the Code shall conform to good engineering
29 practice. The Building Code Council and Residential Code Council may use as guidance, but is
30 not required to adopt, the requirements of the International Building Code of the International
31 Code Council, the Standard Building Code of the Southern Building Code Congress
32 International, Inc., the Uniform Building Code of the International Conference of Building
33 Officials, the National Building Code of the Building Officials and Code Administrators, Inc.,
34 the National Electric Code, the Life Safety Code, the National Fuel Gas Code, the Fire Prevention
35 Code of the National Fire Protection Association, the Safety Code for Elevators and Escalators,
36 and the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, and
37 standards promulgated by the American National Standards Institute, Standards Underwriters'
38 Laboratories, Inc., and similar national or international agencies engaged in research concerning
39 strength of materials, safe design, and other factors bearing upon health and safety.

40 ...

41 (d) Amendments of the Code. – ~~Subject to the procedures set forth in G.S. 143-136(e)~~
42 ~~and (d), the~~ The Building Code Council and Residential Code Council may periodically revise
43 and amend ~~the those parts of the~~ the North Carolina State Building Code, Code for which those
44 Councils are responsible, either on its their own motion or upon application from any citizen,
45 State agency, or political subdivision of the State. In addition to the periodic revisions or
46 amendments made by the responsible Council, the Residential Code Council shall, following the
47 procedure set forth in G.S. 143-136(e), shall revise or amend the North Carolina State Building
48 Code: Residential Code for One and Two Family Dwellings, Code, including provisions
49 applicable to One and Two Family Dwellings dwellings covered by the North Carolina
50 Residential Code, from the NC North Carolina Energy Conservation Code, NC North Carolina
51 Electrical Code, NC North Carolina Fuel Gas Code, NC North Carolina Plumbing Code, and NC

1 North Carolina Mechanical Code only every six years, to become effective the first day of
2 January of the following year, with at least six months between adoption and effective date. The
3 first six-year revision by the Residential Code Council under this subsection shall be adopted to
4 become effective January 1, ~~2019,–2031,~~ and every six years thereafter. In adopting any
5 amendment, the Building Code Council and Residential Code Council shall comply with the
6 same procedural requirements and the same standards ~~set forth above~~ for adoption of the Code.
7 The Building Code Council and Residential Code Council, through the Department of Insurance,
8 shall publish in the North Carolina Register all appeal decisions made by the responsible Code
9 Council and all formal opinions at least semiannually. The Building Code Council and
10 Residential Code Council, through the Department of Insurance, shall also publish at least
11 semiannually in the North Carolina Register a statement providing the accurate ~~Web site~~ website
12 address and information on how to find additional commentary and interpretation of the Code.

13 (d1) Cost-Benefit Analysis. – When the Building Code Council or Residential Code
14 Council revises or amends the North Carolina State Building ~~Code~~ Code, or any part of the Code,
15 as provided in subsection (d) of this section and considers an economic analysis or cost-benefit
16 analysis of the proposed revision or amendment, the responsible Code Council shall not limit its
17 review to an economic analysis or cost-benefit analysis submitted by the proponent of the
18 proposed revision or amendment but shall either conduct its own economic analysis or
19 cost-benefit analysis or consider an economic analysis or cost-benefit analysis submitted other
20 than by the proponent of the proposed revision or amendment. This section shall not apply to a
21 proposal for revision or amendment made upon motion of a responsible Code Council or
22 submitted by a State agency or political subdivision of the State.

23 (e) Effect upon Local Codes. – Except as otherwise provided in this section, the North
24 Carolina State Building Code shall apply throughout the State, from the time of its adoption.
25 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any
26 political subdivision of the State may adopt a fire prevention code and floodplain management
27 regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for
28 this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal
29 jurisdiction shall include all areas within the corporate limits of the municipality and
30 extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county
31 jurisdiction shall include all other areas of the county. No such code or regulations, other than
32 floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective
33 until they have been officially approved by the ~~Building~~ responsible Code Council as providing
34 adequate minimum standards to preserve and protect health and safety, in accordance with the
35 provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses
36 of buildings or structures located in flood hazard areas identified by local, State, and federal
37 agencies, and include provisions governing substantial improvements, substantial damage,
38 cumulative substantial improvements, lowest floor elevation, protection of mechanical and
39 electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and
40 other measures the political subdivision deems necessary considering the characteristics of its
41 flood hazards and vulnerability. In the absence of approval by the Building Code Council or
42 Residential Code Council, or in the event that approval is withdrawn, local fire prevention codes
43 and regulations shall have no force and effect. Provided any local regulations approved by the
44 local governing body which are found by the Council to be more stringent than the adopted
45 statewide fire prevention code and which are found to regulate only activities and conditions in
46 buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and
47 are not matters in conflict with the ~~State Building Code~~, may be approved. Local governments
48 may enforce the fire prevention code of the ~~State Building Code~~ using civil remedies authorized
49 under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State
50 official with responsibility for enforcement of the Code institutes a civil action pursuant to
51 G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123,

1 or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such
 2 civil remedies shall be as provided in G.S. 160D-1127.

3 A local government may not adopt any ordinance ~~in~~ conflict with the exemption provided
 4 by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the
 5 exemption provided by subsection (c1) of this section.

6 ...
 7 (g) Publication and Distribution of Code. – The Building Code Council and Residential
 8 Code Council shall cause to be printed, after adoption by ~~the each responsible Code Council~~, the
 9 North Carolina State Building ~~Code~~ Code, or any part of the Code, and each amendment thereto.
 10 It shall, at the State's expense, distribute copies of the Code and each amendment to State and
 11 local governmental officials, departments, agencies, and educational institutions, as is set out in
 12 the table below. (Those marked by an asterisk will receive copies only on written request to the
 13 Council.)

14 OFFICIAL OR AGENCY	15 NUMBER OF COPIES
16 State Departments and Officials	
17 Governor	1
18 Lieutenant Governor	1
19 Auditor	1
20 Treasurer	1
21 Secretary of State	1
22 Superintendent of Public Instruction.....	1
23 Attorney General (Library)	1
24 Commissioner of Agriculture.....	1
25 Commissioner of Labor.....	1
26 Commissioner of Insurance	1
27 Department of Environmental Quality.....	1
28 Department of Health and Human Service	1
29 Division of Adult Correction and Juvenile Justice of the 30 Department of Public Safety	1
31 Board of Transportation	1
32 Utilities Commission.....	1
33 Department of Administration	1
34 Clerk of the Supreme Court	1
35 Clerk of the Court of Appeals	1
36 Department of Natural and Cultural Resources [State 37 Library]	1
38 Supreme Court Library	1
39 Legislative Library	1
40 Office of Administrative Hearings.....	1
41 Rules Review Commission	1
42 Schools	
43 All state-supported colleges and universities 44 in the State of North Carolina	*1 each
45 Local Officials	
46 Clerks of the Superior Courts.....	1 each
47 Chief Building Inspector of each incorporated 48 municipality or county	1
49 In addition, the Building Code Council <u>and Residential Code Council</u> shall make additional 50 copies available at such price as it shall deem reasonable to members of the general public. The	

1 proceeds from sales of the ~~Building Code~~ Code, or any part of the Code, shall be credited to the
2 Insurance Regulatory Fund under G.S. 58-6-25.

3 ...

4 (j) Subsection (i) of this section does not apply to business occupancy buildings as
5 defined in the North Carolina ~~State~~ Building Code except that evacuation plans as required on
6 page 8, lines 2 through 16, and smoke detectors as required for Class I Buildings as required by
7 Section 1008.2, page 11, lines 5 through 21; Class II Buildings as required by Section 1008.3,
8 page 17, lines 17 through 28 and page 18, lines 1 through 10; and Class III Buildings, as required
9 by Section 1008.4, lines 21 through 25 shall not be exempted from operation of this act as applied
10 to business occupancy buildings, except that the Council shall adopt rules that allow a business
11 occupancy building built prior to 1953 to have a single exit to remain if the building complies
12 with the North Carolina Building Code on or before December 31, 2006.

13 (j1) A nonbusiness occupancy building built prior to the adoption of the 1953 Building
14 Code that is not in compliance with Section 402.1.3.5 of Volume IX of the Building Code or
15 Section 3407.2.2 of Volume I of the Building Code must comply with the applicable sections by
16 December 31, 2006.

17 ...

18 **"§ 143-138.1. Introduction and instruction of the North Carolina State Building Code;**
19 **posting of written commentaries and interpretations on Department of**
20 **Insurance ~~Web site~~ website.**

21 (a) Prior to the effective date of Code changes pursuant to G.S. 143-138, the ~~State~~
22 ~~Building-responsible~~ Code Council and Department of Insurance shall provide for instructional
23 classes for the various trades affected by the ~~Code-changes~~. The Department of Insurance shall
24 develop the curriculum for each class but shall consult the affected licensing boards and trade
25 organizations. The curriculum shall include explanations of the rationale and need for each Code
26 amendment or revision. Classes may also be conducted by, on behalf of, or in cooperation with
27 licensing boards, trade associations, and professional societies. The Department of Insurance
28 may charge fees sufficient to recover the costs it incurs under this section. The responsible Code
29 Council shall ensure that courses are accessible to persons throughout the State.

30 (b) The Department of Insurance shall post and maintain on that portion of its ~~Web site~~
31 website devoted to the Building Code Council and Residential Code Council written
32 commentaries and written interpretations made and given by staff to ~~the each responsible Code~~
33 Council and the Department for each section of the North Carolina State Building Code within
34 10 business days of issuance.

35 **"§ 143-139. Enforcement of the North Carolina State Building Code.**

36 (a) Procedural Requirements. – Subject to the provisions set forth herein, the Building
37 Code Council and Residential Code Council shall adopt such procedural requirements in the
38 North Carolina State Building Code as shall appear reasonably necessary for adequate
39 enforcement of the Code while safeguarding the rights of persons subject to the Code.

40 ...

41 **"§ 143-139.1. Certification of manufactured buildings, structures or components by**
42 **recognized independent testing laboratory; minimum standards for**
43 **single-family, on-frame modular homes.**

44 (a) Certification. – The North Carolina State Building Code may provide, in
45 circumstances deemed appropriate by the ~~Building-responsible~~ Code Council, for testing,
46 evaluation, inspection, and certification of buildings, structures or components manufactured off
47 the site on which they are to be erected, by a recognized independent testing laboratory having
48 follow-up inspection services approved by the ~~Building-responsible~~ Code Council. Approval of
49 such buildings, structures or components shall be evidenced by labels or seals acceptable to the
50 responsible Council. All building units, structures or components bearing such labels or seals
51 shall be deemed to meet the requirements of the North Carolina State Building Code and this

1 Article without further inspection or payment of fees, except as may be required for the
2 enforcement of the Code relative to the connection of units and components and enforcement of
3 local ordinances governing zoning, utility connections, and foundations permits. The Building
4 Code Council and Residential Code Council shall adopt and may amend from time to time such
5 reasonable and appropriate rules and regulations as ~~it deems~~ they deem necessary for approval
6 of agencies offering such testing, evaluation, inspection, and certification services and for
7 overseeing their operations. Such rules and regulations shall include provisions to insure that
8 such agencies are independent and free of any potential conflicts of interest which might
9 influence their judgment in exercising their functions under the ~~Code~~ for which they are
10 responsible. Such rules and regulations may include a schedule of reasonable fees to cover
11 administrative expenses in approving and overseeing operations of such agencies and may
12 require the posting of a bond or other security satisfactory to the responsible Code Council
13 guaranteeing faithful performance of duties under the Code.

14 The ~~Building-responsible~~ Code Council may also adopt rules to insure that any person that is
15 not licensed, in accordance with G.S. 87-1, and that undertakes to erect a North Carolina labeled
16 manufactured modular building, meets the manufacturer's installation instructions and applicable
17 provisions of the North Carolina State Building Code. Any such person, before securing a permit
18 to erect a modular building, shall provide the code enforcement official proof that he has in force
19 for each modular building to be erected a \$5,000 surety bond insuring compliance with the
20 regulations of the North Carolina State Building Code governing installation of modular
21 buildings.

22

23 **"§ 143-139.2. Enforcement of insulation requirements; certificate for occupancy; no**
24 **electric service without compliance.**

25 (a) In addition to other enforcement provisions set forth in this Chapter, no single family
26 or multi-unit residential building on which construction is begun in North Carolina on or after
27 January 1, 1978, shall be occupied until it has been certified as being in compliance with the
28 minimum insulation standards for residential construction, as prescribed in the North Carolina
29 State Building Code or as approved by the ~~Building-responsible~~ Code Council as provided in
30 G.S. 143-138(e).

31 (b) No public supplier of electric service, including regulated public utilities, municipal
32 electric service and electric membership corporations, shall connect for electric service to an
33 occupant any residential building on which construction is begun on or after January 1, 1978,
34 unless said building complies with the insulation requirements of the North Carolina State
35 Building Code or of local building codes approved by the ~~Building Codes-responsible~~ Code
36 Council as provided in G.S. 143-138(e), and has been certified for occupancy in compliance with
37 the minimum insulation standards of the North Carolina State Building Code or of any local
38 modification approved as provided in G.S. 143-138(e), by a person designated as an inspector
39 pursuant to subsection (a) of this section.

40 (c) This section shall apply only in any county or city that elects to enforce the insulation
41 and energy utilization standards of the North Carolina State Building Code pursuant to
42 G.S. 143-151.27.

43 ...

44 **"§ 143-140. Hearings before enforcement agencies as to questions under the North Carolina**
45 **State Building Code.**

46 (a) Any person desiring to raise any question under this Article or under the North
47 Carolina State Building Code shall be entitled to a technical interpretation from the appropriate
48 enforcement agency, as designated in the preceding section. Upon request in writing by any such
49 person, the enforcement agency through an appropriate official shall within a reasonable time
50 provide a written interpretation, setting forth the facts found, the decision reached, and the

1 reasons therefor. In the event of dissatisfaction with such decision, the person affected shall have
2 the options of:

3 (1) Appealing to the Building Code Council or the Residential Code Council.

4 (2) Appealing directly to the Superior Court, as provided in G.S. 143-141.

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

8 **"§ 143-140.1. Alternative design construction and methods; appeals.**

9 The ~~North Carolina~~ Building Code Council shall, by January 1, 2023, promulgate rules,
10 procedures, and policies for the approval of alternative designs and ~~construction.~~ Alternative
11 designs and construction shall that follow the North Carolina State Building Code. The
12 Residential Code Council shall, by January 1, 2026, promulgate rules, procedures, and policies
13 for the approval of alternative designs and construction that follow the North Carolina State
14 Building Code. In the event of a dispute between a local authority having jurisdiction and the
15 designer or owner-representative regarding alternative designs and construction, and
16 notwithstanding any other section within this Article, appeals by the designer or
17 owner-representative on matters pertaining to alternative design construction or methods shall be
18 heard by the Department of Insurance Engineering Division. The Department of Insurance
19 Engineering Division shall issue its decision regarding an appeal filed under this section within
20 10 business days. The Commissioner of Insurance shall adopt rules in furtherance of this section.

21 **"§ 143-141. Appeals to Building Code ~~Council~~ Council and Residential Code Council.**

22 (a) Method of Appeal. – Whenever any person desires to take an appeal to the ~~Building~~
23 responsible Code Council from the decision of a State enforcement agency relating to any matter
24 under this Article or under the North Carolina State Building Code, ~~he~~ the appellant shall within
25 30 days after ~~such the~~ decision give written notice of appeal to the ~~Building-responsible~~ Code
26 Council through the Division of Engineering of the Department of Insurance that he desires to
27 take an appeal. ~~Insurance.~~ A copy of ~~such the~~ notice of appeal shall be filed at the same time with
28 the enforcement agency from which the appeal is taken. The chairman of the ~~Building-responsible~~ Code
29 Council shall fix a reasonable time and place for a hearing, giving reasonable notice to the
30 appellant and to the enforcement agency. Such hearing shall be not later than the next regular
31 meeting of the responsible Code Council. The Building-responsible Code Council shall thereupon
32 conduct a full and complete hearing as to the matters in controversy, after which it shall within a
33 reasonable time give a written decision setting forth its findings of fact and its conclusions.

34 (b) Interpretations of the Code. – The ~~Building-responsible~~ Code Council shall have the
35 duty, in hearing appeals, to give interpretations of such provisions of the North Carolina State
36 Building Code as shall be pertinent to the matter at issue. ~~appeal.~~ Where the responsible Code
37 Council finds that an enforcement agency was in error in its interpretation of the Code, it shall
38 remand the case to the agency with instructions to take such action as it directs. Interpretations
39 by the responsible Code Council and local enforcement officials shall be based on a reasonable
40 construction of the Code provisions.

41 (c) Variations of the Code. – Where the ~~Building-responsible~~ Code Council finds on
42 appeal that materials or methods of construction proposed to be used are as good as those required
43 by the Code, it shall remand the case to the enforcement agency with instructions to permit the
44 use of such materials or methods of construction. The responsible Code Council shall thereupon
45 immediately initiate procedures for amending the Code as necessary to permit the use of such
46 materials or methods of construction.

47 (c1) Posting on Department ~~Web Site.~~ Website – The Department of Insurance shall post
48 and maintain on that portion of its ~~Web site.~~ website devoted to the ~~Building-responsible~~ Code
49 Council all appeal decisions, interpretations, and variations of the Code issued by the responsible
50 Code Council within 10 business days of issuance.

1 (d) Further Appeals to the Courts. – Whenever any person desires to take an appeal from
2 a decision of the ~~Building-responsible~~ Code Council or from the decision of an enforcement
3 agency (with or without an appeal to the ~~Building-responsible~~ Code Council), ~~he-the appellant~~
4 may take an appeal either to the Wake County Superior Court or to the superior court of the
5 county in which the proposed building is to be situated, in accordance with the provisions of
6 Chapter 150B of the General Statutes.

7 **"§ 143-142. Further duties of the ~~Building-Code Council.~~Councils.**

8 (a) Recommended Statutory Changes. – It shall be the duty of the ~~Building-responsible~~
9 Code Council to make a thorough and continuing study of the building laws of the State,
10 including both the statutes enacted by the General Assembly and the rules and regulations
11 adopted by State and local agencies. On the basis of such ~~study-studies~~, the responsible Council
12 shall from time to time recommend to the ~~1959 and subsequent General Assemblies~~ Assembly
13 desirable statutory changes to simplify and improve such laws.

14 (b) Recommend Changes in Enforcement Procedures. – It shall be the duty of the
15 ~~Building-responsible~~ Code Council to make a thorough and continuing study of the manner in
16 which the building laws of the State are enforced by State, local, and private agencies. On the
17 basis of such studies, the Council may recommend to the General Assembly any statutory
18 changes necessary to improve and simplify the enforcement machinery. The responsible Code
19 Council may also advise State agencies as to any changes in administrative practices which could
20 be made to improve the enforcement of building laws without statutory changes.

21 ...

22 **"§ 143-143.2. Electric wiring of houses, buildings, and structures.**

23 (a) The electric wiring of houses or buildings for lighting or for other purposes shall
24 conform to the requirements of the North Carolina State Building Code and any other applicable
25 State and local laws.

26 ...

27 **"§ 143-143.3. Temporary toilet facilities at construction sites.**

28 (a) Suitable toilet facilities shall be provided and maintained in a sanitary condition
29 during construction. An adequate number of facilities must be provided for the number of
30 employees at the construction site. There shall be at least one facility for every two contiguous
31 construction sites. Such facilities may be portable, enclosed, chemically treated, tank-tight units.
32 Portable toilets shall be enclosed, screened, and weatherproofed with internal latches. Temporary
33 toilet facilities need not be provided on-site for crews on a job site for no more than one working
34 day and having transportation readily available to nearby toilet facilities.

35 (b) It shall be the duty of the ~~Building-responsible~~ Code Council to establish standards to
36 carry out the provisions of subsection (a) of this section not inconsistent with the requirements
37 for toilet facilities at construction sites established pursuant to federal occupational safety and
38 health rules.

39"

40 **SECTION 1.(b)** G.S. 143-136(c) is repealed.

41 **SECTION 1.(c)** G.S. 160D-702 reads as rewritten:

42 **"§ 160D-702. Grant of power.**

43 (a) A local government may adopt zoning regulations. Except as provided in subsections
44 (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of
45 stories, and size of buildings and other structures; the percentage of lots that may be occupied;
46 the size of yards, courts, and other open spaces; the density of population; the location and use
47 of buildings, structures, and land. A local government may regulate development, including
48 floating homes, over estuarine waters and over lands covered by navigable waters owned by the
49 State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable
50 development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.
51 Where appropriate, a zoning regulation may include requirements that street and utility

1 rights-of-way be dedicated to the public, that provision be made of recreational space and
 2 facilities, and that performance guarantees be provided, all to the same extent and with the same
 3 limitations as provided for in G.S. 160D-804 and G.S. 160D-804.1.

4 (b) Any regulation relating to building design elements adopted under this Chapter may
 5 not be applied to any structures subject to regulation under the North Carolina Residential Code
 6 ~~for One and Two Family Dwellings~~ except under one or more of the following circumstances:

- 7 (1) The structures are located in an area designated as a local historic district
 8 pursuant to Part 4 of Article 9 of this Chapter.
- 9 (2) The structures are located in an area designated as a historic district on the
 10 National Register of Historic Places.
- 11 (3) The structures are individually designated as local, State, or national historic
 12 landmarks.
- 13 (4) The regulations are directly and substantially related to the requirements of
 14 applicable safety codes adopted under G.S. 143-138.
- 15 (5) Where the regulations are applied to manufactured housing in a manner
 16 consistent with G.S. 160D-908 and federal law.
- 17 (6) Where the regulations are adopted as a condition of participation in the
 18 National Flood Insurance Program.

19 Regulations prohibited by this subsection may not be applied, directly or indirectly, in any
 20 zoning district or conditional district unless voluntarily consented to by the owners of all the
 21 property to which those regulations may be applied as part of and in the course of the process of
 22 seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval,
 23 nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604
 24 or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted
 25 comprehensive plan or other applicable officially adopted plan.

26 For the purposes of this subsection, the phrase "building design elements" means exterior
 27 building color; type or style of exterior cladding material; style or materials of roof structures or
 28 porches; exterior nonstructural architectural ornamentation; location or architectural styling of
 29 windows and doors, including garage doors; the number and types of rooms; and the interior
 30 layout of rooms. The phrase "building design elements" does not include any of the following:
 31 (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering
 32 or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect
 33 the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the
 34 permitted uses of land or structures subject to the North Carolina Residential Code ~~for One and~~
 35 ~~Two Family Dwellings Code.~~

36 Nothing in this subsection affects the validity or enforceability of private covenants or other
 37 contractual agreements among property owners relating to building design elements.

38 (c) A zoning or other development regulation shall not do any of the following:

- 39 (1) Set a minimum square footage of any structures subject to regulation under
 40 the North Carolina Residential Code ~~for One and Two Family~~
 41 ~~Dwellings Code.~~
- 42 (2) Set a maximum parking space size larger than 9 feet wide by 20 feet long
 43 unless the parking space is designated for handicap, parallel, or diagonal
 44 parking."

45 **SECTION 1.(d)** G.S. 160D-804(i) reads as rewritten:

46 "(i) Minimum Square Footage Exemption. – The regulation shall not set a minimum
 47 square footage of any structures subject to regulation under the North Carolina Residential Code
 48 ~~for One and Two Family Dwellings Code.~~"

49 **SECTION 1.(e)** G.S. 160D-1104 reads as rewritten:

50 **"§ 160D-1104. Duties and responsibilities.**

51 ...

1 (c) In performing the specific inspections required by the North Carolina Building Code,
2 the inspector shall conduct all inspections requested by the permit holder for each scheduled
3 inspection. For each requested inspection, the inspector shall inform the permit holder of
4 instances in which the work inspected fails to meet the requirements of the North Carolina
5 Residential Code for One and Two Family Dwellings Code or the North Carolina Building
6 Code.

7 (d) Except as provided in G.S. 160D-1117 and G.S. 160D-1207, a local government may
8 not adopt or enforce a local ordinance or resolution or any other policy that requires regular,
9 routine inspections of buildings or structures constructed in compliance with the North Carolina
10 Residential Code for One and Two Family Dwellings in addition to the specific inspections
11 required by the North Carolina Building Code without first obtaining approval from the North
12 Carolina Building Code Council. The North Carolina Building Code Council shall review all
13 applications for additional inspections requested by a local government and shall, in a reasonable
14 manner, approve or disapprove the additional inspections. This subsection does not limit the
15 authority of the local government to require inspections upon unforeseen or unique circumstances
16 that require immediate action. In performing the specific inspections required by the North
17 Carolina Residential Building Code, the inspector shall conduct all inspections requested by the
18 permit holder for each scheduled inspection. For each requested inspection, the inspector shall
19 inform the permit holder of instances in which the work inspected is incomplete or otherwise
20 fails to meet the requirements of the North Carolina Residential Code for One and Two Family
21 Dwellings or the North Carolina Building Code. When a subsequent inspection is conducted to
22 verify completion or correction of instances of Code noncompliance, any additional violations
23 of the Code noted by the inspector on items already approved by the inspections department shall
24 not delay the issuance of a temporary certificate of occupancy, and the inspections department
25 shall not charge a fee for reinspection of those items.

26"

27 **SECTION 1.(f)** G.S. 160D-1106 reads as rewritten:

28 "**§ 160D-1106. Alternate inspection method for component or element.**

29 (a) Notwithstanding the requirements of this Article, a local government shall accept and
30 approve, without further responsibility to inspect, a design or other proposal for a component or
31 element in the construction of buildings from an architect licensed under Chapter 83A of the
32 General Statutes or professional engineer licensed under Chapter 89C of the General Statutes
33 provided all of the following apply:

34 ...

35 (3) The licensed architect or licensed professional engineer under subdivision (2)
36 of this subsection provides the local government with a signed written
37 document certifying that the component or element of the building inspected
38 under subdivision (2) of this subsection is in compliance with the North
39 Carolina State Building Code or the North Carolina Residential Code for
40 One and Two Family Dwellings Code. The certification required under this
41 subdivision shall be provided by electronic or physical delivery, [and] its
42 receipt shall be promptly acknowledged by the local government through
43 reciprocal means. The certification shall be made on a form created by the
44 North Carolina Building Code Council which shall include at least the
45 following:

- 46 a. Permit number.
- 47 b. Date of inspection.
- 48 c. Type of inspection.
- 49 d. Contractor's name and license number.
- 50 e. Street address of the job location.

1 f. Name, address, and telephone number of the person responsible for
2 the inspection.

3 ...

4 (c) With the exception of the requirements contained in subsection (a) of this section, no
5 further certification by a licensed architect or licensed professional engineer is required for any
6 component or element designed and sealed by a licensed architect or licensed professional
7 engineer for the manufacturer of the component or element under the North Carolina State
8 Building Code or the North Carolina Residential Code for One and Two Family
9 Dwellings.Code.

10"

11 **SECTION 1.(g)** G.S. 160D-1109(b) reads as rewritten:

12 "(b) A member of the inspection department shall not be in violation of this section when
13 the local government, its inspection department, or one of the inspectors accepted a signed written
14 document of compliance with the North Carolina State Building Code ~~or the North Carolina~~
15 ~~Residential Code for One and Two Family Dwellings~~ from a licensed architect or licensed
16 engineer in accordance with G.S. 160D-1104(d)."

17 **SECTION 1.(h)** G.S. 160D-1110(b) reads as rewritten:

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

37 **SECTION 1.(i)** This section becomes effective January 1, 2025.

38 **MODIFY PERMIT EXEMPTIONS AND RESTRICTIONS**

39 **SECTION 2.(a)** G.S. 143-138(b5) reads as rewritten:

40 "(b5) Permit Exclusion for Certain Minor Activities. – No permit shall be required under
41 the Code or any local variance thereof approved under subsection (e) for any construction,
42 installation, repair, replacement, or alteration performed in accordance with the current edition
43 of the North Carolina State Building Code and costing ~~twenty thousand dollars (\$20,000)~~ forty
44 thousand dollars (\$40,000) or less in any single family residence, farm building, or commercial
45 building unless the work involves any of the following:

46 (1) The addition, repair, or replacement of load bearing structures. However, no
47 permit is required for replacements of windows, doors, exterior siding, or the
48 pickets, railings, stair treads, and decking of porches and exterior decks that
49 otherwise meet the requirements of this subsection.
50

- 1 (2) The addition or change in the design of plumbing. However, no permit is
2 required for replacements otherwise meeting the requirements of this
3 subsection that do not change size or capacity.
- 4 (3) The addition, replacement or change in the design of heating, air conditioning,
5 or electrical wiring, appliances, or equipment, other than a like-kind
6 replacement of electrical devices and lighting fixtures.
- 7 (4) The use of materials not permitted by the North Carolina State Building Code.
- 8 (5) The addition (excluding replacement) of roofing.
- 9 (6) Any changes to which the North Carolina Fire ~~Prevention~~ Code applies."

10 **SECTION 2.(b)** G.S. 143-138(b21) reads as rewritten:

11 "(b21) Exclusion for Certain Minor Activities in Commercial Buildings and Structures. – No
12 permit shall be required under the Code or any local variance thereof approved under subsection
13 (e) of this section for any construction, installation, repair, replacement, or alteration performed
14 in accordance with the current edition of the North Carolina State Building Code costing ~~twenty~~
15 ~~thousand dollars (\$20,000)~~ forty thousand dollars (\$40,000) or less in any commercial building
16 or structure unless the work involves any of the activities described in subdivisions (1) through
17 (6) of subsection (b5) of this section. For the purpose of determining applicability of permit
18 exclusions for a commercial building or structure under this subsection, subsection (b5) of this
19 section, and G.S. 160D-1110(c), cost is the total cost of work, including all building addition,
20 demolition, alteration, and repair work, occurring on the property within 12 consecutive months."

21 **SECTION 2.(c)** G.S. 160D-1110(c) reads as rewritten:

22 "(c) No permit issued under Article 9 or 9C of Chapter 143 of the General Statutes is
23 required for any construction, installation, repair, replacement, or alteration performed in
24 accordance with the current edition of the North Carolina State Building Code costing ~~twenty~~
25 ~~thousand dollars (\$20,000)~~ forty thousand dollars (\$40,000) or less in any single-family
26 residence, farm building, or commercial building unless the work involves any of the following:

- 27 (1) The addition, repair, or replacement of load-bearing structures. However, no
28 permit is required for replacement of windows, doors, exterior siding, or the
29 pickets, railings, stair treads, and decking of porches and exterior decks that
30 otherwise meet the requirements of this subsection.
- 31 (2) The addition or change in the design of plumbing. However, no permit is
32 required for replacements otherwise meeting the requirements of this
33 subsection that do not change size or capacity.
- 34 (3) The addition, replacement, or change in the design of heating,
35 air-conditioning, or electrical wiring, devices, appliances, or equipment, other
36 than like-kind replacement of electrical devices and lighting fixtures.
- 37 (4) The use of materials not permitted by the North Carolina State Building Code.
- 38 (5) The addition (excluding replacement) of roofing."
- 39 (6) Any changes to which the North Carolina Fire ~~Prevention~~ Code applies."

40 **SECTION 2.(d)** G.S. 160D-1110(d) reads as rewritten:

41 "(d) A local government shall not ~~require~~ do any of the following:

- 42 (1) Require more than one building permit for the complete installation or
43 replacement of any natural gas, propane gas, or electrical appliance on an
44 existing structure when the installation or replacement is performed by a
45 person licensed under G.S. 87-21 or G.S. 87-43. The cost of the building
46 permit for such work shall not exceed the cost of any one individual trade
47 permit issued by that local government, nor shall the local government
48 increase the costs of any fees to offset the loss of revenue caused by this
49 provision.

1 (2) Require more than one building permit for simultaneous projects at the time
2 of the application located at the same address and subject to the North Carolina
3 Residential Code."

4 **SECTION 2.(e)** This section is effective October 1, 2023, and applies to permit
5 applications for construction, installation, repair, replacement, remodeling, renovation, or
6 alteration projects submitted on or after that date.

7 8 **AUTHORIZE ALTERNATIVE PAVEMENT DESIGN STANDARDS FOR PRIVATE** 9 **ROADWAYS WITHIN DEVELOPMENTS**

10 **SECTION 3.(a)** G.S. 160D-804 is amended by adding a new subsection to read:

11 "(j) Private Roadway Pavement Design Standards. – The regulation shall not require
12 roadway pavement design standards for new roadway construction that are more stringent than
13 the minimum roadway pavement design standards adopted by the North Carolina Department of
14 Transportation. Notwithstanding any regulation adopted by the local government, the local
15 government must accept engineered pavement design standards that do not meet minimum
16 standards required by the Department of Transportation if the proposed design standard is signed
17 and sealed by a duly licensed professional engineer, under Chapter 89C of the General Statutes,
18 and meets vehicular traffic and fire apparatus access requirements. This subsection applies to
19 construction of new privately owned roads, driveways, parking lots and driving areas associated
20 with parking lots, or streets within a new development or subdivision that the developer
21 designates as private and that are intended to remain privately owned after construction. If the
22 roadway is constructed to pavement design standards that do not meet minimum standards
23 required by a regulation adopted by the local government, as authorized by this subsection, the
24 developer must include disclosures to prospective buyers as outlined in G.S. 136-102.6(f) prior
25 to entering into any agreement or any conveyance with any prospective buyer. A local
26 government is discharged and released from any liabilities, duties, and responsibilities imposed
27 by this Article, or in common law, from any claim arising out of, or attributed to, the plan review
28 or acceptance of signed and sealed pavement design standards submitted pursuant to this
29 subsection. Nothing in this section shall be interpreted to limit the authority of local governments
30 or the Department of Transportation to regulate private roads, driveways, or street connections
31 to a public system, or to regulate transportation and utilities, pursuant to subsection (c) of this
32 section, or as otherwise authorized by law."

33 **SECTION 3.(b)** This section becomes effective October 1, 2023, and applies to
34 permit applications submitted on or after that date.

35 36 **PROHIBIT EXTERIOR SHEATHING INSPECTIONS**

37 **SECTION 4.(a)** G.S. 143-138 is amended by adding a new subsection to read:

38 "(b23) Exterior Sheathing Inspections Prohibited. – The Code shall not require routine
39 exterior sheathing inspections for structures or dwellings covered by the North Carolina Building
40 Code or North Carolina Residential Code."

41 **SECTION 4.(b)** G.S. 160D-1104(d) reads as rewritten:

42 "(d) Except as provided in G.S. 160D-1117 and G.S. 160D-1207, a local government may
43 not adopt or enforce a local ordinance or resolution or any other policy that requires regular,
44 routine inspections of buildings or structures constructed in compliance with the North Carolina
45 Residential Code for One- and Two-Family Dwellings in addition to the specific inspections
46 required by the North Carolina Building Code without first obtaining approval from the North
47 Carolina Building Code Council. A local government may not adopt or enforce a local ordinance
48 or resolution or any other policy that requires routine exterior sheathing inspections for structures
49 or dwellings covered by the North Carolina Building Code or North Carolina Residential Code.
50 The North Carolina Building Code Council shall review all applications for additional
51 inspections requested by a local government and shall, in a reasonable manner, approve or

1 disapprove the additional inspections. This subsection does not limit the authority of the local
2 government to require inspections upon unforeseen or unique circumstances that require
3 immediate action. In performing the specific inspections required by the North Carolina
4 Residential Building Code, the inspector shall conduct all inspections requested by the permit
5 holder for each scheduled inspection. For each requested inspection, the inspector shall inform
6 the permit holder of instances in which the work inspected is incomplete or otherwise fails to
7 meet the requirements of the North Carolina Residential Code for One- and Two-Family
8 Dwellings or the North Carolina Building Code. When a subsequent inspection is conducted to
9 verify completion or correction of instances of Code noncompliance, any additional violations
10 of the Code noted by the inspector on items already approved by the inspections department shall
11 not delay the issuance of a temporary certificate of occupancy, and the inspections department
12 shall not charge a fee for reinspection of those items."

13 **SECTION 4.(c)** This section is effective when it becomes law and applies permit
14 applications submitted on or after that date.

15 **MODIFY BUILDING CODE SUMMARY (APPENDIX B) REQUIREMENTS**

16 **SECTION 5.(a)** Definitions. – For purposes of this section: "Code" means the North
17 Carolina State Building Code collection, and amendments to the Code, as adopted by the Council;
18 "Appendix B Rules" means Sections 106.3.1 and 106.3.2, as amended by the Building Code
19 Council on December 14, 2021, and approved by the Rules Review Commission on February 17,
20 2022, effective January 1, 2023, within the North Carolina State Building Code: Administrative
21 Code and Policies; and "Appendix B" means the Appendix B Building Code Summary for All
22 Commercial Projects (Except 1 and 2-Family Dwellings and Townhouses) within the North
23 Carolina State Building Code: Administrative Code and Policies. As used in this section,
24 "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the
25 Residential Code Council as created in Section 1 of this act.

26 **SECTION 5.(b)** Appendix B Rules Amendment. – Until the effective date of the
27 rules to amend the Code that the Council is required to adopt pursuant to this section, the Council
28 and local governments enforcing the Code shall follow the provisions of subsection (c) of this
29 section as it relates to the Appendix B Rules and Appendix B.

30 **SECTION 5.(c)** Appendix B Rules Implementation. – Notwithstanding Appendix B
31 Rules, a local government shall not require a permit applicant to complete Appendix B with a set
32 of plans submitted for review.

33 **SECTION 5.(d)** Additional Rulemaking Authority. – The Council shall adopt rules
34 to amend the Appendix B Rules and Appendix B to be consistent with subsection (c) of this
35 section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Council pursuant to this
36 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
37 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
38 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
39 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
40 G.S. 150B-21.3(b2).

41 **SECTION 5.(e)** Sunset. – This section expires when permanent rules adopted as
42 required by subsection (d) of this section become effective.

43 **AMEND INSULATION REQUIREMENTS FOR UNVENTED ATTIC AND ENCLOSED 44 RAFTER ASSEMBLIES**

45 **SECTION 6.(a)** Definitions. – As used in this section, "Code" means the current
46 North Carolina State Building Code collection, and amendments to the Code, as adopted by the
47 Council. For purposes of this section and its implementation, "R402 Rules" means provisions
48 and tables within Section 402, Building Thermal Envelope, North Carolina – Residential
49 Provisions, of the North Carolina Energy Conversation Code. As used in this section, "Council"
50
51

1 means the Building Code Council. On or after January 1, 2025, "Council" means the Residential
2 Code Council as created in Section 1 of this act.

3 **SECTION 6.(b)** R402 Rules Amendment. – The Council shall amend R402 Rules
4 to include, as an optional alternative to residential ceiling insulation minimums, minimum
5 insulation requirements for the use of air-impermeable insulation in unvented attic and unvented
6 enclosed rafter assemblies. In developing this amendment, the Council shall include in that
7 optional alternative that where R402 Rules require R-38 insulation in the ceiling, installing
8 air-impermeable insulation, as follows, to the underside or directly above the roof deck shall be
9 deemed to satisfy the R-38 requirements: (i) R-20 (equivalent U-factor 0.05) for climate zone 3;
10 (ii) R-25 (equivalent U-factor 0.037) for climate zone 4; and (iii) R-25 (equivalent U-factor
11 0.037) for climate zone 5. These air-impermeable insulation alternative R-value minimums apply
12 in residences meeting the following criteria:

- 13 (1) The unvented attic or unvented enclosed rafter assemblies are constructed
14 under Section R806.5 of the North Carolina Residential Code.
- 15 (2) The residence contains a mechanical ventilation system that operates on a
16 positive, balanced, or hybrid pressure strategy.
- 17 (3) For residences with air-permeable insulation installed below the roof deck,
18 exposed portions of the roof rafters are wrapped by a minimum of R-3
19 insulation unless directly covered by drywall or finished ceiling material. For
20 residences with air-permeable insulation installed above the roof deck, roof
21 rafters do not require insulation wrapping if air-impermeable insulation
22 installed above the roof deck is continuous.
- 23 (4) The residence obtains an ACH50 blower door test result of less than 3.0.
- 24 (5) The residence contains heating, cooling, and ventilation equipment and
25 ductwork within thermal envelope.

26 **SECTION 6.(c)** Sunset. – This section expires when permanent rules adopted as
27 required by subsection (b) of this section become effective.

29 **PROHIBIT FURTHER AMENDMENTS TO VARIOUS CHAPTERS WITHIN THE** 30 **NORTH CAROLINA RESIDENTIAL CODE**

31 **SECTION 7.(a)** Definitions. – As used in this section, "Council" means the Building
32 Code Council.

33 **SECTION 7.(b)** The Council shall not adopt rules to amend the following Parts
34 within the North Carolina State Building Code: Residential Code for One- and Two-Family
35 Dwellings:

- 36 (1) Part V – Mechanical (Chapters 12 through 23).
- 37 (2) Part VI – Fuel Gas (Chapter 24).

38 **SECTION 7.(c)** This section is effective when it becomes law and applies
39 retroactively to March 1, 2023.

40 **SECTION 7.(d)** Sunset. – This section expires on the effective date of the 2024
41 North Carolina State Building Code: Residential Code for One- and Two-Family dwellings, as
42 adopted by the Council and approved by the Rules Review Commission.

44 **PROHIBIT FURTHER ENERGY CONSERVATION AND EFFICIENCY** 45 **AMENDMENTS TO THE NORTH CAROLINA STATE BUILDING CODE UNTIL 2031**

46 **SECTION 8.(a)** Definitions. – As used in this section, "Code" means the current
47 North Carolina State Building Code collection and amendments to the Code, as adopted by the
48 Council. As used in this section, "Council" means the Building Code Council. On or after January
49 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act.

50 **SECTION 8.(b)** Notwithstanding G.S. 143-138, the Council shall not: (i) adopt rules
51 to amend Part IV – Energy Conservation (Chapter 11) within the North Carolina State Building

1 Code: Residential Code for One- and Two-Family dwellings; or (ii) prepare and adopt a new
2 code provision, or any part of the Code, that relates to energy conservation or efficiency of
3 buildings, dwellings, and structures to which the North Carolina State Residential Code applies.

4 **SECTION 8.(c)** This section is effective when it becomes law and applies
5 retroactively to March 1, 2023.

6 **SECTION 8.(d)** Sunset. – This section expires January 1, 2031.

7
8 **AMEND THE RESIDENTIAL CODE TO INCLUDE THREE-AND FOUR-FAMILY**
9 **DWELLINGS**

10 **SECTION 9.(a)** Definitions. – As used in this section, "Code" means the current
11 North Carolina State Building Code collection and amendments to the Code, as adopted by the
12 Council. As used in this section, "Council" means the Building Code Council. On or after January
13 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act.

14 **SECTION 9.(b)** The Council shall adopt rules to amend the North Carolina
15 Residential Code to include three-family (triplex) and four-family (quadplex) dwellings within
16 its scope by modifying, transitioning, and establishing minimum prescriptive requirements to
17 address the design and construction of those dwellings and make conforming changes to the Code
18 in accordance with this section. In amending rules pursuant to this subsection, the Council shall
19 not require greater than a 2-hour fire resistance rating for triplex and quadplex wall, floor, and
20 ceiling separation assemblies or require automatic fire sprinkler systems within the North
21 Carolina Residential Code.

22 **SECTION 9.(c)** Sunset. – This section expires when the permanent rules adopted as
23 required by subsection (b) of this section become effective.

24 **SECTION 9.(d)** This section is effective when it becomes law.

25
26 **CLARIFY FEE CALCULATION FOR EROSION AND SEDIMENTATION CONTROL**
27 **PLAN REVIEW**

28 **SECTION 10.** G.S. 113A-60(a) reads as rewritten:

29 "**§ 113A-60. Local erosion and sedimentation control programs.**

30 (a) A local government may submit to the Commission for its approval an erosion and
31 sedimentation control program for its jurisdiction and may adopt ordinances and regulations
32 necessary to establish and enforce erosion and sedimentation control programs. An ordinance
33 adopted by a local government may establish a fee for the review of an erosion and sedimentation
34 control plan and related activities. The fee shall ~~be calculated on the basis of either be, on the~~
35 option of the applicant, either (i) calculated on the basis of the number of acres ~~disturbed or~~
36 disturbed or (ii) no more than one hundred dollars (\$100.00) per lot developed in the case of a
37 single-family lot in a residential development or that is less than one acre, including such a lot
38 that is part of a larger common plan of development that is less than one acre set at no more than
39 one hundred dollars (\$100.00) per lot developed. development. Local governments are
40 authorized to create or designate agencies or subdivisions of local government to administer and
41 enforce the programs. Except as otherwise provided in this Article, an ordinance adopted by a
42 local government shall at least meet and may exceed the minimum requirements of this Article
43 and the rules adopted pursuant to this Article."

44
45 **DIRECT DEQ TO SEEK APPROVAL FROM USEPA TO STREAMLINE**
46 **IMPLEMENTATION OF REQUIREMENTS OF THE SEDIMENTATION**
47 **POLLUTION CONTROL ACT AND FEDERAL REQUIREMENTS FOR**
48 **STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES**

49 **SECTION 11.** No later than September 1, 2023, the Department of Environmental
50 Quality shall develop a plan for submittal to USEPA that eliminates any program redundancies
51 between the State's Sedimentation Pollution Control Act of 1973 (Act), and its implementation

1 of requirements for stormwater discharges from construction activities set forth under the 2022
2 Clean Water Act National Pollution Discharge Elimination System (NPDES) general permit for
3 stormwater discharges from construction activities (Construction Permit), 87 Federal Register
4 3522, through NPDES General Permit NCG010000 (NCG01). Specifically, the plan shall include
5 measures to streamline permitting requirements to ensure persons conducting land-disturbing
6 activity are required to apply for one permit addressing all federal, State, and local requirements,
7 and, if applicable, that permit may be issued by a local government with delegated authority to
8 operate a local program in order to eliminate (i) unnecessary costs to, and duplication of efforts
9 by, persons initiating land-disturbing activities, (ii) unnecessary delays in project development,
10 and (iii) inefficient use of Department personnel and staff of local governments that administer
11 delegated erosion and sedimentation control programs. The Department shall report to the
12 Environmental Review Commission on the status of their activities pursuant to this section
13 quarterly, beginning August 1, 2024, until such time as the General Assembly repeals this
14 reporting requirement.

15 16 **COUNTY FORCED SEWER CONNECTION LIMITATION**

17 **SECTION 12.** G.S. 153A-284 reads as rewritten:

18 **"§ 153A-284. Power to require connections.**

19 (a) A county may require the owner of developed property on which there are situated
20 one or more residential dwelling units or commercial establishments located so as to be served
21 by a water line or sewer collection line owned, leased as lessee, or operated by the county or on
22 behalf of the county to connect the owner's premises with the water or sewer line and may fix
23 charges for these connections. A county may only require connection of an owner's premises to
24 a sewer line, however, if the county has adequate capacity to transport and treat the proposed
25 new wastewater from the premises at the time of connection.

26"

27 28 **PROHIBIT LOCAL GOVERNMENTS FROM REQUIRING PAYMENTS FROM** 29 **OWNERS OF STORMWATER CONTROL SYSTEMS FOR FUTURE MAINTENANCE** 30 **OR REPLACEMENT COSTS OF A SYSTEM**

31 **SECTION 13.(a)** G.S. 160D-925 reads as rewritten:

32 **"§ 160D-925. Stormwater control.**

33 ...

34 (d) A local government that holds an NPDES permit issued pursuant to G.S. 143-214.7
35 may adopt a regulation, applicable within its planning and development regulation jurisdiction,
36 to establish the stormwater control program necessary for the local government to comply with
37 the permit. A local government may adopt a regulation that bans illicit discharges within its
38 planning and development regulation jurisdiction. A local government may adopt a regulation,
39 applicable within its planning and development regulation jurisdiction, that ~~requires (i) deed~~
40 requires deed restrictions and protective covenants to ensure that each project, including the
41 stormwater management system, will be maintained so as to protect water quality and control
42 water quantity and ~~(ii) financial arrangements to ensure that adequate funds are available for the~~
43 ~~maintenance and replacement costs of the project.~~ quantity.

44 (d1) A local government is prohibited from adopting any regulation that requires an owner
45 of a privately owned and maintained stormwater control project to make payments to the local
46 government for the purpose of ensuring assets are available for maintenance, repair, replacement,
47 and reconstruction costs of (i) the owner's stormwater control project or (ii) other stormwater
48 control projects within the local government's jurisdiction. A local government may, however,
49 require an owner of a privately owned and maintained stormwater control project to establish and
50 retain funds for maintenance, repair, replacement, and reconstruction costs for the owner's

1 stormwater control project, which shall not exceed ten percent (10%) of the stormwater control
2 project's original cost of construction and shall be retained by the owner of the system.

3"

4 **SECTION 13.(b)** If, prior to the effective date of G.S. 160D-925(d1), as enacted by
5 Section 13(a) of this act, a local government has required an owner of a privately owned and
6 maintained stormwater control project to make payments to the local government for the purpose
7 of ensuring assets are available for maintenance, repair, replacement, and reconstruction costs of
8 the owner's stormwater control project or other stormwater control projects within the local
9 government's jurisdiction, in accordance with G.S. 160D-925(d1), as enacted by Section 13(a) of
10 this act, the local government shall make such funds accessible to the owner to cover necessary
11 maintenance, repair, replacement, and reconstruction costs for the owner's stormwater control
12 project. For stormwater control projects in residential communities, in the event maintenance,
13 repair, replacement or reconstruction of a project is needed, such funds shall be exhausted before
14 the local government may assess costs of the necessary work on individual homeowners within
15 the community, or any applicable owner's association.

16
17 **SEVERABILITY CLAUSE**

18 **SECTION 14.** If any section or provision of this act is declared unconstitutional or
19 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
20 the part declared to be unconstitutional or invalid.

21
22 **EFFECTIVE DATE**

23 **SECTION 15.** Except as otherwise provided, this act is effective when it becomes
24 law.