

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 768
Committee Substitute Favorable 4/17/25
PROPOSED SENATE COMMITTEE SUBSTITUTE H768-PCS10540-BR-21

Short Title: Emerg. Comm. Code Exempts/Sanitary Board/401.

(Public)

Sponsors:

Referred to:

April 7, 2025

A BILL TO BE ENTITLED
AN ACT TO DIRECT THE NORTH CAROLINA BUILDING CODE COUNCIL TO ADOPT
RULES TO AMEND THE STATE BUILDING CODE AND STATE FIRE CODE TO
CLARIFY EXEMPTIONS FROM IN-BUILDING EMERGENCY RESPONDER
COMMUNICATION COVERAGE REQUIREMENTS; TO PROVIDE FOR THE
FILLING OF VACANCIES ON CERTAIN SANITARY BOARDS; AND TO ESTABLISH
STATUTORY REQUIREMENTS FOR THE DEPARTMENT OF ENVIRONMENTAL
QUALITY'S HANDLING OF APPLICATIONS FOR 401 CERTIFICATIONS FOR
PROJECTS THAT ARE ELIGIBLE FOR A NATIONWIDE PERMIT OR REGIONAL
GENERAL PERMIT.

The General Assembly of North Carolina enacts:

**CLARIFY FIRE CODE EXEMPTIONS FROM IN-BUILDING EMERGENCY
RESPONDER COMMUNICATION COVERAGE REQUIREMENTS**

SECTION 1.(a) Definitions. – For purposes of this section, the following are defined:

- (1) Code. – The North Carolina State Building Code collection, including the North Carolina Fire Code, and amendments thereto, as adopted by the Council.
- (2) Council. – The North Carolina Building Code Council.
- (3) Emergency responder communication coverage requirements. – The requirements for in-building emergency responder communications coverage systems specified under Section 510 of the North Carolina Fire Code.

SECTION 1.(b) Exemptions Established. – Notwithstanding the emergency responder communication coverage requirements of the Code, the following buildings and structures, whether existing, newly constructed, or altered after the effective date of this act, are exempt from those requirements:

- (1) R-2 Apartment Buildings of Type V construction that meet the egress requirements of the Code.
- (2) Apartment buildings and transient public lodging establishments, including hotels and motels, not exceeding two stories above grade plane and that provide direct exterior egress from each dwelling unit or guest room.

SECTION 1.(c) Treatment of Existing Systems in Exempted Buildings. – Notwithstanding Section 901.6 of the North Carolina Fire Code or any other provision of the Code that might require the removal of nonrequired, obsolete, or abandoned systems, an



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emergency responder communication coverage system installed prior to the effective date of this act in a building or structure that meets the exemption criteria established in subsection (b) of this section may be disconnected as follows:

- (1) Systems that are monitored by a fire alarm system shall be properly disconnected to eliminate unnecessary supervisory signals.
- (2) Primary and secondary power sources shall be permanently removed by disconnecting the primary power from the circuit breaker and removing the secondary backup batteries and/or emergency generator connection.
- (3) The system shall be permanently disconnected from the donor antenna. Where the donor antenna is left in place, lightning protection for the antenna and mast shall be maintained.
- (4) Signal booster shall be labeled with signage that states "Emergency Responder Communication Coverage is disconnected as permitted by Section 510 of the North Carolina Fire Code."

SECTION 1.(d) Rulemaking Required. – The Council shall adopt rules to amend the Code, specifically Section 510 of the North Carolina Fire Code and any related sections addressing emergency responder communication coverage, to incorporate the exemptions listed in subsection (b) of this section and the provisions regarding existing systems in subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Council pursuant to this section shall be substantively identical to the provisions of subsections (b) and (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 1.(e) Interim Application of Exemptions. – Until the effective date of the permanent rules that the Council is required to adopt pursuant to subsection (d) of this section, the Council and local governments enforcing the Code shall not enforce the emergency responder communication coverage requirements against buildings and structures that meet the exemption criteria established in subsection (b) of this section and shall apply the provisions regarding existing systems established in subsection (c) of this section.

SECTION 1.(f) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

VACANCY APPOINTMENTS FOR CERTAIN SANITARY BOARDS

SECTION 2. G.S. 130A-50(h) reads as rewritten:

"(h) For purposes of the election of the members of the sanitary district board, a sanitary district board shall adopt single-member residency districts in which only a person residing in a single-member residency district shall be eligible as a candidate in the election for the seat apportioned to that single-member residency district, but candidates shall be elected at large by the qualified voters of the entire sanitary district. The district boundaries shall be established by resolution adopted by the sanitary district board following a public hearing on the matter. The resolution, and a copy of a map depicting the single-member residency districts as adopted, shall be filed with the county board of elections. The most recent federal decennial census data shall be used as the sole basis of population for the establishment of the single-member residency districts. The single-member residency districts shall be revised after the return of each federal decennial census as necessary. Notwithstanding subsection (b) of this section, members of a sanitary district board under this subsection shall serve staggered four-year terms and the staggering shall be taken into consideration when adopting or revising the single-member residency districts. Any vacancy in a sanitary district board shall be filled by the remaining sanitary district board members until the next election for sanitary district board members. A vacancy must be filled by a resident from the same residency district as the residency district of

the vacating commissioner. This subsection shall apply only to a sanitary district that provides water and sewer service lying wholly within a county with more than 17 municipalities lying wholly within that county."

ESTABLISH STATUTORY REQUIREMENTS FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY'S HANDLING OF APPLICATIONS FOR 401 CERTIFICATIONS FOR PROJECTS THAT ARE ELIGIBLE FOR A NATIONWIDE PERMIT OR REGIONAL GENERAL PERMIT ISSUED BY THE UNITED STATES ARMY CORPS OF ENGINEERS

SECTION 3.(a) G.S. 143-214.1A is amended by adding two new subsections to read:

"(c) For projects that are eligible for a Nationwide Permit or Regional General Permit issued by the United States Army Corps of Engineers, which are not subject to subsection (a) of this section, and are required or elect to be covered under an Individual Water Quality Certification, the Department shall perform a review of an application pursuant to all of the following requirements:

- (1) On receipt of such application, the Department shall notify the applicant of any required fee within five business days. If the Department does not send the applicant a fee request within five business days of receipt of an application, the fee is waived. The Department's review period shall begin on the date the application fee is paid, or on the sixth business day from receipt when the application fee has been waived pursuant to this subdivision. For application fees that are paid via interagency batch payment, the review period shall start on receipt of the application by the Division of Water Resources. The Department shall additionally post any public notice required under the federal Clean Water Act within five business days of receipt of an application.
- (2) Within 30 business days of the beginning of the review period, the Department shall (i) determine whether or not the application is complete and notify the applicant accordingly and, (ii) if the Department determines an application is incomplete, specify all such deficiencies in a notice to the applicant. The applicant may file an amended application or supplemental information to cure the deficiencies identified by the Department for the Department's review. Review of amended applications or supplemental information responses provided by the applicant shall occur within 20 business days of receipt. An application may be deemed incomplete only if it does not provide sufficient information necessary for the Department to determine if the proposed discharges into navigable waters will comply with State water quality requirements. If the Department fails to issue a notice that the application is incomplete within the requisite initial 30-day period, or the supplemental 20-day review period, the application shall be deemed complete. As used in this section, State water quality requirements means water quality standards approved by the United States Environmental Protection Agency pursuant to 33 U.S.C. § 1313(c)(3).
- (3) If the Department determines that a public hearing is necessary pursuant to applicable requirements, the Department shall notify the applicant within the review period outlined in subdivision (2) of this subsection. If the hearing officer determines that additional information is required from the applicant at the conclusion of the public hearing comment period, the Department shall notify the applicant within five business days of the conclusion of the comment period and the supplemental information shall be subject to the review time lines laid out in subdivision (2) of this subsection.

- 1 (4) The Department shall either approve or deny an application within (i) 10
2 business days of the date the application is deemed complete if no public
3 hearing is held or (ii) 15 business days of the close of the record if a public
4 hearing is held and no additional information is required. Failure of the
5 Department to approve or deny the application within the requisite time
6 period, as applicable, shall result in a waiver of the certification requirement
7 by the State, unless the applicant agrees, in writing, to an extension of time,
8 which shall not exceed one year from the State's receipt of the application for
9 certification.
- 10 (5) The Department shall issue a certification, with or without conditions or
11 limitations, upon determining that the proposed discharges into navigable
12 waters subject to the federal Clean Water Act will comply with State water
13 quality requirements. The Department may include as conditions or
14 limitations in a certification any effluent limitations or other limitations
15 necessary to assure the proposed discharges into navigable waters subject to
16 the federal Clean Water Act will comply with State water quality
17 requirements. The Department shall not impose any other conditions or
18 limitations in a certification.
- 19 (6) The Department shall deny a certification application only if it determines that
20 no reasonable conditions or limitations would provide assurance that the
21 proposed discharges into navigable waters subject to the federal Clean Water
22 Act will comply with State water quality requirements. The denial shall
23 include a statement explaining why the Department determined the proposed
24 discharges into navigable waters subject to the federal Clean Water Act will
25 not comply with the State water quality requirements.
- 26 (7) The Department may grant, deny, or waive certification but shall not require
27 an applicant to withdraw an application.
- 28 (d) On receipt of any application for certification filed with the Department pursuant to
29 section 401 of the Clean Water Act, 33 U.S.C. § 1341(a)(1), the Department shall notify the
30 applicant of any required fee within five business days. If the Department does not send the
31 applicant a fee request within five business days of receipt of an application, the fee is waived."

32 **SECTION 3.(b)** This section becomes effective October 1, 2025.

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34 **EFFECTIVE DATE**

35 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
36 law.