



HOUSE BILL 255: Building Code Regulatory Reform

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-145

Date:

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Staff Attorney

SUMMARY: *S.L. 2015-145 makes various changes to the laws relating to the State Building Code, including:*

- *Conforming work in progress inspection authority to recently enacted inspection limitations.*
- *Directing the Building Code Council to study the alternate methods approval process.*
- *Clarifying the definition of official misconduct for code officials.*
- *Raising the threshold for requirement of a building permit from \$5,000 to \$15,000.*
- *Creating a Residential Code Committee and a Building Code Committee within the Building Code Council to oversee the process by which the Council conducts revisions and to advise the Council on certain issues.*
- *Requiring internet posting of certain council decisions and interpretations.*
- *Clarifying that inspection fees collected by cities and counties can only be used to support the inspection department.*
- *Requiring that inspections be performed in full and in a timely manner and that inspection reports include all items failing to meet code requirements.*
- *Authorizing inspection and certification of components or elements of buildings by licensed architects or licensed engineers.*
- *Exempting certain commercial building projects from the requirement of a professional architectural seal.*

This act became effective October 1, 2015.

BILL ANALYSIS:

PART I. COMPLIANCE WITH BUILDING CODE INSPECTION REQUIREMENTS

Sections 1(a) and 1(b) of the act amend the laws related to inspections of work in progress by county and city inspectors to provide that these inspections are subject to a new provision in the law. The new provision states that in performing specific inspections required by the Building Code, the inspector must conduct a full inspection and provide the permit holder with a complete list of all items which fail to meet the requirements of the North Carolina Residential Code for One-and Two Family Dwellings.

PART II. STUDY ALTERNATE APPROVAL METHODS

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House Bill 255

Page 2

Section 2 directs the Building Code Council to study procedures and policies for the approval of alternative materials, designs, or methods, including review of the following:

- The alternate methods application process.
- Time lines for the application process, including the feasibility of rendering final determinations within 30 days of completion of the application.
- Procedures for appeal of applications denied by the Council.

The Council must report its findings and recommendations, including any proposed legislation, to the 2016 Regular Session of the 2015 General Assembly.

PART III. CLARIFY OFFICIAL MISCONDUCT FOR CODE OFFICIALS

Section 3 amends the law governing the Code Officials Qualification Board which issues certifications to persons engaged in Code enforcement. The provision adds a definition of the term "willful misconduct, gross negligence or gross incompetence". Willful misconduct, gross negligence or gross incompetence is a basis for disciplinary action against a Code enforcement official. The term includes any of the following:

- The enforcement of a Code requirement applicable to a certain area or set of circumstances in other areas or circumstances not specified in the requirement.
- To refuse to accept the decision of the Department of Insurance to allow an alternative design or construction method under the conditions or circumstances set forth in the Department's decision of the appeal.
- To refuse to allow an alternative method under the conditions or circumstances set forth in the Code for that alternative method.
- The enforcement of a requirement that is more stringent than or otherwise exceeds the Code requirement.
- To refuse to implement or adhere to an interpretation of the Building Code issued by the Council or the Department of Insurance.
- The habitual failure to provide requested inspections in a timely manner.

The Board must notify all Code enforcement officials of this change by October 1, 2015.

PART IV. RAISE THRESHOLD FOR BUILDING PERMIT REQUIREMENT

Section 4.1 amends the threshold for requirement of a building permit for any construction, installation, repair, replacement, or alteration from \$5,000 to \$15,000.

Section 4.2 amends the law relating to county issued permits to raises the threshold for permits from \$5,000 to \$15,000.

Section 4.3 makes identical changes to the law relating to city issued permits.

PART V. CREATE BUILDING CODE COUNCIL RESIDENTIAL CODE COMMITTEE AND BUILDING CODE COMMITTEE

House Bill 255

Page 3

Section 5.1 adds new provisions creating two committees within the Building Code Council. The Residential Code Committee is composed of six members of the Council. The committee is charged with reviewing any proposed revisions or amendments to the Residential Code and no revision or amendment can be considered by the Council unless recommended by the committee. The Building Code Council, however, is not prevented from accepting, rejecting, or amending any recommendation of the Residential Committee, provided that any amendment from the Council to the recommendation is germane. The committee must oversee the process by which the Council conducts its periodic amendment of the Code, as well as consider any appeals or interpretations related to the Residential Code and make recommendations to the Council for disposition of the appeal or interpretation.

The Building Code Committee is composed of nine members of the Council. The committee is charged with reviewing any proposed revisions or amendments to the Building Code and no revision or amendment can be considered by the Council unless recommended by the committee. The Building Code Council, however, is not prevented from accepting, rejecting, or amending any recommendation of the Building Code Committee, provided that any amendment from the Council to the recommendation is germane. The committee must oversee the process by which the Council conducts its periodic revision of the codes applicable to commercial or multifamily construction, as well as consider any appeals or interpretations related to those codes and make recommendations to the Council for disposition of the appeal or interpretation.

PART VI. BUILDING CODE COUNCIL REQUIRED WEB SITE POSTINGS.

Section 6 directs the Department of Insurance to post on its website all appeal decisions, interpretations and variations of the Code issued by the Council within ten business days of issuance.

PART VII. INSPECTION FEES TO BE SPENT ONLY FOR ACTIVITIES OF INSPECTION DEPARTMENT

Section 7 amends the laws related to financial support of county and city inspection departments to require that all fees collected from inspections be used for support of the activities of the inspection department and for no other purpose.

PART VIII. INSPECTIONS TO BE PERFORMED IN FULL AND IN A TIMELY MANNER AND INSPECTION REPORTS TO INCLUDE ALL ITEMS FAILING TO MEET CODE REQUIREMENTS

Section 8 amends the laws governing the duties and responsibilities of county and city inspection departments to require that necessary inspections be made in a timely manner. This provision also adds language that in performing required inspections, county and city inspectors must conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the Residential Code for One- and Two-Family Dwellings.

PART IX. INSPECTIONS OF COMPONENTS OR ELEMENTS OF BUILDINGS CERTIFIED BY LICENSED ARCHITECTS OR LICENSED ENGINEERS

House Bill 255

Page 4

Section 9 requires a county or city to accept and approve, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from a licensed architect or licensed engineer provided that certain conditions are met. Upon the satisfaction of those conditions and acceptance and approval of a signed written document by the county or city, the county or city and its inspection department and inspectors would be discharged and released from any duties and responsibilities imposed with respect to the component or element in the construction of the building for which the signed written document was submitted.

Under current law, city (G.S. 160A-412) and county (G.S. 153A-352) inspection departments are authorized to enforce within their territorial jurisdiction State and local laws and local ordinances and regulations relating to the construction of buildings, installation of certain facilities such as plumbing and electrical systems, maintenance of buildings, and other matters specified by the governing board.

PART X. EXEMPT CERTAIN COMMERCIAL BUILDING PROJECTS FROM THE REQUIREMENT OF A PROFESSIONAL SEAL

Section 10 exempts certain commercial building projects, with a total value of less than ninety thousand dollar (\$90,000) and a total project area of less than 2,500 square feet from the requirement for a professional architectural seal.

EFFECTIVE DATE: This act became effective October 1, 2015.