



HOUSE BILL 255: Building Code Reg. Reform

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2015-2016 General Assembly

Committee:	House Regulatory Reform	Date:	March 30, 2015
Introduced by:	Reps. Brody, Riddell, Cotham, Watford	Prepared by:	Karen Cochrane-Brown Committee Counsel
Analysis of:	First Edition		

SUMMARY: *House Bill 255 makes various changes to the law relating to the State Building Code, including:*

- *Conforming work in progress inspection authority to recently enacted inspection limitations;*
- *Requiring the Building Code Council to study the alternate methods approval process;*
- *Clarifying the definition of official misconduct for code officials;*
- *Eliminating mandatory plan review for residential structures;*
- *Raising the threshold for requirement of a building permit;*
- *Creating the building code council residential code committee;*
- *Requiring internet posting of certain council decisions and interpretations;*
- *Clarifying that inspection fees collected by cities and counties may 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.*

[As introduced, this bill was identical to S324, as introduced by Sens. Brock, McInnis, Clark, which is currently in Rules and Operations of the Senate.]

BILL ANALYSIS:

PART I. COMPLIANCE WITH BUILDING CODE INSPECTION REQUIREMENTS

Sections 1(a) and 1(b) 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

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.

O. Walker Reagan
Director



Research Division
(919) 733-2578

* H 2 5 5 - S M R O - 7 E 1 - V 2 *

House Bill 255

Page 2

- 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. ELIMINATE MANDATORY PLAN REVIEW FOR RESIDENTIAL STRUCTURES AND 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 \$10,000.

Section 4.2 amends the law relating to county issued permits to require that a county review and approve building plans for any nonresidential structure. This section also eliminates the county's authority to review or approve plans for construction of one- and two-family dwellings, provided that the county may require that building plans be available on site during the inspection process. This section also raises the threshold for permits from \$5,000 to \$10,000.

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

PART V. CREATE BUILDING CODE COUNCIL RESIDENTIAL CODE COMMITTEE

House Bill 255

Page 3

Section 5 adds a new provision creating the Residential Code Committee within the Building Code Council. The provision identifies five members of the Council to serve on the committee. 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 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 made 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 three 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 a full inspection and provide the permit holder with a complete list of all items which fail to meet the requirements of the Residential Code for One- and Two-Family Dwellings.

EFFECTIVE DATE: This act becomes effective July 1, 2015.