



HOUSE BILL 252: Building Code Regulatory Reform.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 26, 2017
Introduced by:	Reps. Brody, Riddell, Potts, R. Moore	Prepared by:	Amy Darden Staff Attorney
Analysis of:	Fourth Edition		

OVERVIEW: *House Bill 252 would make several changes to building inspection procedures for counties and cities, including:*

- *Prohibiting the adoption or enforcement of any existing regulation requiring regular, routine building inspections, without first obtaining approval from the North Carolina Building Code Council;*
- *Adding new inspection requirement exemptions for persons supervised by architects or engineers and new exemptions for engineered components and elements certified as compliant by the manufacturer;*
- *Creating a new informal review process for inspection decisions made by county and city inspectors;*
- *Allowing a building permit applicant to choose which version of an interpretation will apply to the permit, if an interpretation changes after the building permit is issued;*
- *Exempting certain lots from needing separate meters for new irrigation systems; and*
- *Exempting therapeutic equine facilities from the State Building Code.*

[As introduced, this bill was identical to S371, as introduced by Sens. Brock, McInnis, Clark, which is currently in Senate Agriculture/Environment/Natural Resources.]

CURRENT LAW: G.S. 153A-352 and G.S. 160A-412 regulate the duties and responsibilities for county and city building inspection departments statewide, respectively. G.S. 143-140 requires upon written request, the issuance of technical interpretations from enforcement agencies for questions arising under the Building Code. G.S. 143-136 establishes the duties and responsibilities of the North Carolina Building Code Council. Finally, G.S. 143-355.4 sets forth requirements for local government and large community water systems, which includes a requirement for separate meters for new in-ground irrigation systems.

BILL ANALYSIS:

Sections 1.(a) and 1.(b) would prohibit counties and cities from enforcing any *existing* ordinance or regulation that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code, without first obtaining approval from the North Carolina Building Code Council. Currently, this prohibition extends only to the adoption of *new* ordinances or regulations by counties and cities.

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In addition, these sections would amend existing law that requires an inspector to perform all inspections requested for each inspection visit and inform the permit holder of any aspect of the work that does not meet inspection requirements. Currently, this requirement is applicable to residential construction only. The bill would put the requirement in its own subsection and also make it applicable to commercial construction.

Sections 2.(a) and 2.(b) would exempt persons under the direct supervisory control of a licensed architect or engineer, from county and city inspection requirements, when certain conditions are met. Currently, only licensed architects or engineers qualify for exemption from county and city inspection requirements for a design or other proposal for a component or element in the construction of buildings, provided that all other conditions under G.S. 153A-352(c), or G.S. 160A-41(c) are met. It would also allow the field inspection of the installation or completion of a construction component or element, to be performed by another licensed architect or engineer, or another person under the direct supervision of the licensed architect or engineer.

Sections 3.(a) and 3.(b) would exclude additional certification requirements for licensed architects and engineers for components or elements certified by the manufacturer as complying with the North Carolina Building Code, or North Carolina Residential Code for One and Two-Family Dwellings.

Sections 4.(a) and 4.(b) would require county and city inspection departments to create an informal review process for inspection decisions made by inspectors. Beginning December 1, 2017, each inspection department at a minimum must include the following:

- (1) Initial review by the supervisor of the inspector.
- (2) The provision in or with each permit issued by the department of (i) the name, phone number, and email address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.
- (3) Procedures the department must follow when a permit holder or applicant requests an internal review of an inspector's decision.

Sections 4.(c) and 4.(d) would require each department beginning in 2018 and ending in 2022, to annually report to the Joint Legislative Committee on Local Government no later than January 15, on the implementation of the informal internal review process for the calendar year prior.

Section 5 would expand the scope of the Building Code Council's review process to include *any* code applicable to commercial or multi-family construction.

Section 6 would allow a building permit applicant to choose which version of an interpretation will apply to the permit, if an interpretation changes after the building permit is issued.

Section 7 would exempt lots with privately-owned septic tank systems, or innovative on-site wastewater systems with lockable cutoff valves and backflow prevention devices, from needing separate meters for new in-ground irrigation systems.

Section 8.(a) would exempt therapeutic equine facilities from the State Building Code by classifying them the same as farm buildings. This section would become effective when the act becomes law.

EFFECTIVE DATE: Except as otherwise provided, this act becomes effective October 1, 2017.

Jeremy Ray, Staff Attorney, substantially contributed to this summary.