



HOUSE BILL 675: 2019 Building Code Regulatory Reform.

2019-2020 General Assembly

| | | | |
|-----------------------|---------------|---------------------|-----------------------------------|
| Committee: | | Date: | December 11, 2019 |
| Introduced by: | | Prepared by: | Billy R. Godwin Staff Attorney |
| Analysis of: | S.L. 2019-174 | | |

OVERVIEW: *S.L. 2019-174 does all of the following:*

- **Requires the North Carolina Building Code Council (Building Code Council) to:**
 - *Create a form for inspection certifications by licensed engineers and licensed architects.*
 - *Conduct a cost-benefit analysis for all proposed changes to the North Carolina Energy Conservation Code.*
 - *Consult with the Department of Environmental Quality (DEQ) to study options for on-site disposal of demolition debris.*
- **Requires the North Carolina Code Officials Qualification Board (Q-Board) to establish a standard certificate for a residential changeout inspector.**
- **Clarifies the definition of building "component."**
- **Prohibits cities and counties from requiring:**
 - *Licensed engineers and licensed architects inspecting building components or elements to submit information other than that required on the inspection certification form.*
 - *Residential building plans submitted by licensed engineers and licensed architects to be under seal unless required by the North Carolina State Building Code (State Building Code).*
 - *Developers to bury existing above ground power lines.*
 - *A minimum square footage for residential structures.*
- **Requires cities and counties to:**
 - *Complete initial residential plan reviews within 15 business days.*
 - *Issue temporary certificates of occupancy in certain circumstances.*
- **Makes it a Class 2 misdemeanor to falsely claim or suggest that a person, firm, or corporation is a licensed general contractor.**
- **Exempts, under certain circumstances, temporary motion picture, television, and theater stage sets and scenery from the State Building Code permit requirement.**
- **Authorizes the Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors to establish and issue a Residential Fire Sprinkler Design License.**
- **Extends to October 1, 2021, the requirement to report to the Department of Insurance (DOI), any residential framing inspection resulting in 15 or more violations.**
- **Requires the DOI to issue a guidance paper by October 1, 2019, on the review of residential building plans.**

This act has various effective dates, please see the full summary for more detail.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House Bill 675

Page 2

CURRENT LAW: The State Building Code is adopted by the Building Code Council, a 17 member board whose members are appointed by the Governor. With the exception of boilers, elevators and State buildings, the Insurance Commissioner, through the Division of Engineering, has general supervisory authority over the administration and enforcement of the State Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and general building construction. State Building Code enforcement officials are certified under, and governed, by the Q-Board, a 20 member administrative board.

Cities and counties are required to undertake Code-enforcement activities. Code-enforcement is defined as any of the following:

- The examination and approval of plans and specifications.
- The inspection of the manner of construction, workmanship, and materials for construction of buildings and structures and components thereof.
- The enforcement of fire code regulations.

State law requires separate water meters for in-ground irrigation systems on lots platted and recorded after July 1, 2009, unless the lots are served by a privately owned septic system with an approved testable backflow prevention device.¹ State law also requires that a person, firm, or corporation who undertakes construction of any building where the cost is \$30,000 or more be a licensed general contractor.²

BILL ANALYSIS:

Building Code Administration – effective October 1, 2019, the act:

- Requires the Building Code Council to create a form for inspection certifications by licensed engineers and licensed architects.
- Clarifies the definition of building "component."
- Requires the Q-Board to establish a standard certificate for a residential changeout inspector.
- Requires the Building Code Council to conduct a cost-benefit analysis for all proposed changes to the North Carolina Energy Conservation Code.
- Exempts the construction, installation, repair, replacement, or alteration of temporary motion picture, television, and theater stage sets and scenery being used for less than one year in one location from the permitting requirements of the State Building Code provided these sets are inspected by the fire code inspector using a checklist created by the Building Code Council.

Professional Licenses – effective October 1, 2019, the act:

- Prohibits cities and counties from requiring licensed engineers and licensed architects who inspect building components or elements to submit information other than that required on the inspection certification form.
- Makes it a Class 2 misdemeanor for anyone undertaking a business activity for which a general contractor's license is required to falsely claim or suggest that a person, firm, or corporation is a licensed general contractor.

¹ G.S. 143-355.4.

² G.S. 87-1.

House Bill 675

Page 3

- Authorizes the Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors to establish and issue a Residential Fire Sprinkler Design License to persons holding the appropriate Residential Fire Sprinkler Contractor license to design and install multipurpose fire sprinkler systems required by the State Building Code.
- Prohibits cities and counties from requiring that residential building plans submitted by licensed engineers and licensed architects be under seal unless required by the State Building Code.

Certificates of Occupancy and Residential Plan Review – effective October 1, 2019, the act:

- Requires cities and counties to issue a temporary certificate of occupancy if the conditions and requirements of the State Building Code are met.
- Requires cities and counties to complete initial residential plan reviews within 15 business days.

Local Government Authority – effective July 1, 2019, applicable to existing municipal or county ordinances, and providing that any inconsistent city or county ordinances are void and unenforceable, the act:

- Prohibits cities and counties from requiring developers to bury above ground power lines located outside of the subdivision being developed if those power lines existed above ground at the time the subdivision plat was approved.
- Prohibits cities and counties from adopting ordinances establishing a minimum square footage for residential structures.

Miscellaneous Provisions – effective July 26, 2019, the act:

- Extends to October 1, 2021, the requirement to report to DOI any residential framing inspection resulting in 15 or more violations.
- Requires DOI to issue a guidance paper by October 1, 2019, on the process for review of residential building plans.
- Requires the Building Code Council to consult with DEQ to study options for on-site disposal of demolition debris.

EFFECTIVE DATE: The act has various effective dates as set forth above.