



HOUSE BILL 675: 2019 Building Code Regulatory Reform.

2019-2020 General Assembly

Committee:		Date:	April 29, 2019
Introduced by:	Reps. Brody, Riddell, Hardister, Richardson	Prepared by:	Billy R. Godwin
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *House Bill 675 (proposed committee substitute) would do all of the following:*

- **Require the North Carolina 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 to study options for on-site disposal of demolition debris.*
- *Require the North Carolina Code Officials Qualification Board to establish a standard certificate for a residential changeout inspector.*
- *Clarify the definition of building "component."*
- **Prohibit cities and counties from requiring:**
 - *Licensed engineers and licensed architects inspecting building components or elements to submit any 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.*
 - *Developers to bury existing above ground power lines.*
 - *A minimum square footage for residential structures.*
- **Require cities and counties to:**
 - *Complete initial residential plan reviews within 15 business days.*
 - *Issue temporary certificates of occupancy in certain circumstances.*
- *Make it a Class 2 misdemeanor to falsely claim or suggest that a person, firm, or corporation is a licensed general contractor.*
- *Exempt, under certain circumstances, temporary motion picture, television, and theater stage sets and scenery from the North Carolina Building Code permit requirement.*
- *Authorize a property owner or the owner's designee to install any backflow preventer that complies with the North Carolina Plumbing Code when separate meters are required for in-ground irrigation systems.*
- *Extend to October 1, 2021, the requirement to report to the Department of Insurance, any residential framing inspection resulting in 15 or more violations.*
- *Require the Department of Insurance to issue a guidance paper by October 1, 2019, on the review of residential building plans.*

CURRENT LAW: The North Carolina State Building Code (Building Code) is adopted by the North Carolina Building Code Council (Building Code Council), a 17 member board established in Article 9 of Chapter 143 of the General Statutes whose members are appointed by the Governor. With the exception of boilers, elevators and State buildings, the Insurance Commissioner, through the Division of

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Engineering, has general supervisory authority over the administration and enforcement of the Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and general building construction. Building Code enforcement officials are certified under and governed by the North Carolina Code Officials Qualification Board (Q-Board), a 20 member administrative board, established under Article 9C of Chapter 143.

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: The PCS to House Bill 675 would do the following:

Section 1, effective October 1, 2019, would:

- Require the North Carolina Building Code Council to create a form for inspection certifications by licensed engineers and licensed architects.
- Prohibit cities and counties from requiring licensed engineers and licensed architects who inspect building components or elements to submit any information other than that required on the inspection certification form.
- Clarify the definition of building "component."

Section 2, effective October 1, 2019, would:

- Require the Q-Board to establish a standard certificate for a residential changeout inspector.

Section 3, effective July 1, 2019, would:

- Prohibit cities and counties from requiring developers to bury power lines outside of the subdivision being developed that existed above ground at the time the subdivision plat was approved.
- Prohibit cities and counties from enacting ordinances establishing a minimum square footage for residential structures.
- Provide that any inconsistent city or county ordinances are void and unenforceable.

Section 4, effective October 1, 2019, would:

- Require the Building Code Council to conduct a cost-benefit analysis for all proposed changes to the North Carolina Energy Conservation Code.

¹ G.S. 143-355.4.

² G.S. 87-1.

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- Exempt from the permitting requirements of the Building Code, 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 provided these sets are inspected by the fire code inspector using a checklist created by the Building Code Council.

Section 5, effective October 1, 2019, would:

- Require cities and counties to issue a temporary certificate of occupancy if the conditions and requirements of the Building Code are met.

Section 6, effective October 1, 2019, would:

- Make 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.

Section 7, effective October 1, 2019, would:

- Require cities and counties to complete initial residential plan reviews within 15 business days.
- Prohibit cities and counties from requiring that residential building plans submitted by licensed engineers and licensed architects be under seal unless required by the Building Code.

Section 8, effective July 1, 2019, would:

- Authorizes property owners required to have separate meters for in-ground irrigation systems to install any backflow preventer that complies with the North Carolina Plumbing Code.
- Provide that any inconsistent city or county ordinances are void and unenforceable.

Section 9, effective when the bill becomes law, would:

- Extend to October 1, 2021, the requirement to report to the Department of Insurance, any residential framing inspection resulting in 15 or more violations.

Section 10, effective when the bill becomes law, would:

- Require the Department of Insurance to issue a guidance paper by October 1, 2019, on the process for review of residential building plans.

Section 11, effective when the bill becomes law, would:

- Require the Building Code Council to consult with the Department of Environmental Quality to study options for on-site disposal of demolition debris.

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