



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

# HOUSE BILL 291: Bldg. Plan Approval - Certain Commercial Prop.

2021-2022 General Assembly

<b>Committee:</b>	House Regulatory Reform. If favorable, re-fer to Local Government - Land Use, Planning and Development. If favorable, re-fer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 22, 2021
<b>Introduced by:</b>	Reps. Zenger, Potts, Johnson	<b>Prepared by:</b>	Jeremy Ray
<b>Analysis of:</b>	PCS to First Edition H291-CSBH-5		Committee Co-Counsel

**OVERVIEW:** *House Bill 291 would do all of the following:*

- *Require a local government to perform initial plan reviews and issue building permit decisions for certain commercial and multifamily building plans submitted within 21 days, or within 15 days from the receipt of additional requested information or a resubmitted plan.*
- *Authorize a local government and a building permit applicant to utilize the Department of Insurance (DOI) and its marketplace pool of qualified Code-enforcement officials or contract with a third-party engineering firm to perform initial plan reviews in limited circumstances.*
- *Create remedies when a local government fails to issue a building permit for a submitted plan within certain time limits.*

**CURRENT LAW:** Article 11 of Chapter 160D regulates Building Code Enforcement. Generally, except for certain projects on single-family residences or farm buildings costing \$15,000 or less, a person cannot commence or proceed with construction or related activities without first securing the relevant building permit(s) required by the State Building Code and any other State or local laws applicable to the construction activity.

**BILL ANALYSIS:** House Bill 291 would do all of the following:

- Require a local government to complete an initial plan review and issue a building permit decision for commercial and multifamily building plans requiring a design professional seal within 21 days of submission, unless the local government requests additional information or requires that the plan be resubmitted with changes. If the local government requests additional information or requires a plan to be resubmitted with changes, it must issue a building permit decision within 15 days from the receipt of the requested additional information or resubmitted plan.
- Authorize a local government to utilize DOI and its marketplace pool of qualified Code-enforcement officials or contract with a third-party engineering firm that possesses a valid certificate issued by the North Carolina Code Officials Qualification Board, to perform an initial plan review when it determines it is unable to complete the initial plan review within 21 days. The total time for the initial plan review must still be conducted within the 21-day period.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

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- Create remedies when a local government fails to issue a building permit for a submitted plan within 21 days, or within 15 days from the receipt of additional requested information or a resubmitted plan, in the following manner:
  - Reduce fees charged by the local government for the plan submission by 10% for each day of delay.
  - Authorize the building permit applicant to utilize DOI and its marketplace pool of qualified Code-enforcement officials or contract with a third-party engineering firm that possesses a valid certificate issued by the North Carolina Code Officials Qualification Board to perform the initial plan review. Upon review and approval by the third party, the local government must issue all necessary building permits for the project within 72 hours.
- Require a local government when it requires specifications or manufacturer engineering information on an element, component, or fixture related to the submitted plan, to obtain that information from the manufacturer of the element, component, or fixture, and to prohibit any delay, or denial of a permit or certificate of occupancy based upon receipt of that information.

**EFFECTIVE DATE:** This act would become effective when it becomes law and applies to plans submitted on or after that date.