



SENATE BILL 308: Building Code Inspection Reform.

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

2021-2022 General Assembly

Committee:	Senate Agriculture, Energy, and Environment.	Date:	March 30, 2021
	If favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. Johnson, Jarvis	Prepared by:	Aaron McGlothlin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Senate Bill 308 would prohibit building inspection departments from charging fees for certain inspections following a final inspection, and would require the applicable building inspection department to issue a temporary certificate of compliance in certain circumstances.*

CURRENT LAW:

Temporary Certificate of Compliance

Generally, no new building or addition of an existing building may be occupied prior to the issuance of a certificate of compliance by the appropriate building inspector following a final inspection (G.S. 160D-1116(a)). However, G.S. 160D-1116(b) provides that a building inspector may issue a temporary certificate of compliance for a stated period of time for an entire building or specified portions of the building if the inspector finds that the building may be safely occupied prior to its being in full compliance with all applicable State and local laws, including the terms of the building permit.

Inspection Fees

Both the Commissioner of Insurance, under G.S. 143-139.4 and G.S. 58-2-40, and local governments, under G.S. 160D-402(d), are authorized to fix and collect reasonable fees for services performed in implementing building code inspection services.

BACKGROUND / BILL ANALYSIS:

Background: Under Article 11 of Chapter 160D of the General Statutes, upon the completion of all work done under a building permit, the permit holder may request the appropriate building inspection department to conduct a final inspection to determine if the work complies with all applicable State and local laws, including the terms of the permit. If the inspector discovers violations of the State Building Code during this final inspection, the permit holder may request a subsequent inspection to demonstrate that the previously identified violations have been corrected and that the building meets the conditions and requirements in order to receive a certificate of compliance.

This bill addresses situations in which violations are discovered during subsequent inspections that were not identified during the initial final inspection.

Temporary Certificate of Compliance

This bill would require the responsible building inspection department to issue a temporary certificate of compliance to permit holders, following the subsequent inspection, when the outstanding State Building Code violation fell outside the scope of the subsequent inspection, and was within an area or aspect of work for which a final inspection had already been conducted.

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Inspection Fees

This bill would prohibit a building inspection department from charging an additional fee for further inspections, following the subsequent inspection, to determine whether an outstanding State Building Code violation was corrected if this violation fell outside the scope of the subsequent inspection, and was within an area or aspect of work for which a final inspection had already been conducted.

EFFECTIVE DATE: This act becomes effective January 1, 2022, and applies to inspections associated with permits applied for on or after that date.