



HOUSE BILL 332: Streamline Comm./Multifam. Bldg. Plan Review.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 2, 2023
Introduced by:	Reps. Zenger, Johnson, Tyson, Potts	Prepared by:	Howard Marsilio
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 332 would:*

- *Require a local government to perform its plan review of, and issue building permit decisions based on, commercial, multifamily, and residential building plans that require the seal of an engineer or architect within certain timeframes.*
- *Provide alternative methods using third-party reviewers if the local government is unable to complete the review within the applicable timeframes.*
- *Provide a liability limitation for local governments when issuing permits based on plan reviews performed by a third-party reviewer at the election of a permit applicant under these new provisions.*

[As introduced, this bill was identical to S275, as introduced by Sens. Jarvis, Moffitt, McInnis, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Article 11 of Chapter 160D is the primary body of law that outlines Building Code Enforcement in land development. Generally, a person cannot commence or proceed with construction or related activities without first securing relevant building permit(s) as required by North Carolina State Building Code and any other State or local laws applicable to the construction activity.

For the purposes of permit issuance and administration, currently, local governments and their inspection departments are responsible for plan review.

BILL ANALYSIS: This PCS would:

- Require a local government to complete its plan review and issue a building permit decision for commercial, multifamily, and residential building plans that require an engineer or architect seal within 21 business days of submission, unless agreed to by all parties. If the local government requests additional information or requires a plan to be resubmitted with changes, it must issue a building permit decision within 10 business days from the receipt of the requested additional information or resubmitted plan.
- Authorize a local government, or a permit applicant to elect under certain circumstances, to use third-party reviewers.
 - A local government must refund or waive all plan review fees and permit fees for a project in the event a permit applicant elects to utilize a third-party review, when the local government fails to meet, or determines it is unable to meet, plan review timeframes as required by these new provisions.

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- Provide a liability limitation for local governments when issuing permits based on plan reviews performed by a third-party reviewer at the election of a permit applicant under these new provisions.
- Prohibit a local government from delaying or denying the issuance of a permit when it requires specifications or manufacturer engineering information on an element, component, or fixture related to the submitted plans.
- Make various conforming changes to existing laws to implement these new provisions.

EFFECTIVE DATE: This act becomes effective October 1, 2023, and applies to applications for permits submitted on or after that date.