



SENATE BILL 602: H'cane Helene Bldg Code Window Exemption.

2025-2026 General Assembly

Committee:	Senate Regulatory Reform. If favorable, re- refer to Commerce and Insurance. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 9, 2025
Introduced by:	Sen. Hise	Prepared by:	Aaron McGlothlin
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 602 would temporarily exempt certain downtown commercial buildings located within a Helene-affected county from having to comply with upgraded State Building Code requirements related to fire-resistant windows. This exemption would only be available for work to restore damage caused by Hurricane Helene.*

Owners of eligible buildings could claim this exemption within two years of the effective date of this bill, after which any subsequent renovations or additions would have to comply with the current State Building Code.

BILL ANALYSIS:

Section 1 of Senate Bill 602 would define the terms "eligible building," "fire-resistant window requirements," and "Helene-affected county."¹

The term "**eligible building**" would be defined as a commercial building or structure that is:

1. Located in a Helene-affected county prior to September 27, 2024, and was directly damaged or destroyed by Hurricane Helene.
2. Solely classified as a commercial occupancy under the State Building Code (Code), and not classified under any residential or mixed-use occupancy group.
3. Located within the central business district or downtown commercial district of a city or town, as defined by that municipality's governing board or zoning maps.
4. Undergoing reconstruction, rebuilding, rehabilitation, or repair solely for the purpose of restoring the building to substantially its previous condition, use, occupancy, and size, without expanding its original footprint, height, or changing its occupancy classification under the Code.

Section 2(a) would allow the owner of an eligible building to reconstruct or repair the building with window assemblies having the same fire-protection rating that existed in the building as of September 27, 2024, without being required to upgrade to the current fire-resistant window assemblies required by the Code. This exemption would only be available for work to restore damage caused by Hurricane Helene, which would not include additions or changes that would otherwise trigger the higher fire-resistant window requirements.

¹ Any county in North Carolina declared a major disaster area by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene.

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Section 2(b) would clarify that the Code exemptions authorized under this act would not relieve the building owner from having to comply with other fire safety or Code requirements, which would remain in full force and effect.

Section 2(c) would require building owners electing to use this exemption, prior to the installation of any windows, to submit a written affidavit to the local building inspections department with the building permit application. This affidavit must be signed by the building owner and notarized, and include the following information:

1. A citation to this act and confirmation that the building qualifies for the exemption provided in this act.
2. A statement that the owner voluntarily assumes any risks associated with not installing fire-resistant window assemblies.
3. An acknowledgement that alternative means of fire protection have been considered and discussed with the project's contractors or design professionals.
4. Identification of the specific window installations for which the exemption is claimed.

The local building inspections department must retain the affidavit with the building permit records and note the exemption on the certificate of occupancy.

Section 2(d) would allow owners of eligible buildings to claim this exemption within two years of the effective date of this act. Buildings with windows installed under the exemption could continue to use those windows following the expiration of this two-year period; however, any subsequent renovations or additions would have to comply with the Code as then in effect.

Section 2(e) would provide that no State or local government, building code official, inspector, or department would be liable for any damages arising directly or indirectly from a building owner's use of the exemption provided by this act.

Section 2(f) would authorize the Office of the State Fire Marshal and the Building Code Council to adopt rules implementing the provisions of this act. The Office of the State Fire Marshal would be required to produce a standard form for local code enforcement officials to provide building owners for purposes of fulfilling the affidavit requirements.

EFFECTIVE DATE: This bill would become effective when it becomes law and would apply to eligible buildings for which construction or repair work is commenced on or after that date.

BACKGROUND: Section 5.7 of S.L. 2025-2 (Disaster Recovery Act of 2025—Part I) expressly authorizes the reconstruction or repair of nonconforming residential structures in Helene-affected counties if certain conditions are met, notwithstanding certain local development regulations. However, Section 5.7 did not preempt any local regulations adopted pursuant to the State Building Code.