

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 275

Short Title: Streamline Comm./Multifam. Bldg. Plan Review. (Public)

Sponsors: Senators Jarvis, Moffitt, and McInnis (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 13, 2023

A BILL TO BE ENTITLED

AN ACT TO EXPEDITE THE APPROVAL OF SEALED COMMERCIAL AND
MULTIFAMILY BUILDING PLANS BY LOCAL GOVERNMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 11 of Chapter 160D of the General Statutes is amended by
adding a new section to read:

**"§ 160D-1110.1. Commercial and multifamily plan review of sealed plans; third-party plan
review alternatives.**

(a) Plan Review of Sealed Plans. – For commercial and multifamily building plans
submitted with a permit application that require the seal of a professional engineer licensed under
Chapter 89C of the General Statutes or an architect licensed under Chapter 83A of the General
Statutes, a local government shall complete its review of those plans and issue applicable building
permit decisions within 21 days, unless otherwise agreed to by all parties. If the local government
requests additional information or requires plan resubmission with changes, after receiving
requested information and changes from the permit applicant, the local government has up to 15
days to issue all applicable permits.

(b) Third-Party Review to Assist Local Government. – A local government may utilize
and contract with the Department of Insurance and its marketplace pool of qualified
Code-enforcement officials or contract with a licensed professional engineer or licensed architect
certified under G.S. 143-151.13(f) to perform plan reviews under this section, provided that the
review time does not exceed time frames prescribed by subsection (a) of this section.

(c) Third-Party Review Election by Permit Applicant. – If the local government does not
issue applicable building permit decisions or determines it is unable to complete plan reviews
within the time frames prescribed by subsection (a) of this section, the permit applicant may elect
to utilize the Department of Insurance and its marketplace pool of qualified Code-enforcement
officials or elect to hire a licensed professional engineer or licensed architect certified under
G.S. 143-151.13(f) to review and certify submitted plans as required by subsection (d) of this
section. Upon acceptance of a completed plan review with certification required by subsection
(d) of this section, the local government shall issue applicable permits for the project within 72
hours and will refund or waive all applicable plan review and permit fees for the project upon
issuance of the applicable permits.

(d) Third-Party Review Certification Required. – A permit applicant that elects a
third-party review under subsection (c) of this section shall provide the local government with a
written certification signed by the plan reviewer that plans comply with applicable North
Carolina State Building Codes and all other applicable State and local laws. The certification
shall be made on a form created by the local government.



1 (e) Local Government Liability. – Upon issuance of applicable permits under subsection
2 (c) of this section, the local government and inspection department are discharged and released
3 from any liabilities, duties, and responsibilities imposed by this Article, or in common law, from
4 any claim arising out of, or attributed to, plans reviewed under subsection (c) of this section.

5 (f) Manufacturer Information. – In the event the local government requires manufacturer
6 specifications or manufacturer engineering information on an element, component, or fixture
7 related to the submitted plans, a local government shall not delay or deny the issuance of
8 applicable permits based upon the receipt of specifications or manufacturer engineering
9 information on an element, component, or fixture."

10 **SECTION 2.** G.S. 143-151.8(a)(3) reads as rewritten:

11 "(3) Code enforcement. – The examination and approval of plans and
12 specifications, the inspection of the manner of construction, workmanship,
13 and materials for construction of buildings and structures and their
14 components, or the enforcement of fire code regulations by any of the
15 following, to assure compliance with the State Building Code and related local
16 building rules:

- 17 a. An employee of the State or local government, except an employee of
18 the State Department of Labor engaged in the administration and
19 enforcement of sections of the Code that pertain to boilers and
20 elevators.
21 b. An employee of a federally recognized Indian Tribe employed to
22 perform inspections on tribal lands.
23 c. An individual contracting with the State, a local government, or a
24 federally recognized Indian Tribe to perform inspections on tribal
25 lands.
26 d. An individual who is employed by a company contracting with a
27 county or a city to conduct inspections.
28 e. A person who is contracting with a local government to perform
29 third-party plan reviews under G.S. 160D-1110.1(b).
30 f. A person who is contracting with a permit applicant to perform
31 third-party plan reviews under G.S. 160D-1110.1(c)."

32 **SECTION 3.** G.S. 143-151.12(9) reads as rewritten:

33 "(9) Establish within the Department of Insurance a marketplace pool of qualified
34 Code-enforcement officials available for the following purposes:

- 35 a. When requested by the Insurance Commissioner, to assist in the
36 discharge of the Commissioner's duty under G.S. 143-139 to
37 supervise, administer, and enforce the North Carolina State Building
38 Code.

39 ...

- 40 c. When requested by a permit applicant under G.S. 160D-1110.1(c)."

41 **SECTION 4.** G.S. 143-151.13 is amended by adding a new subsection to read:

42 "(g) A licensed architect or licensed professional engineer who possesses a valid
43 certificate under subsection (f) of this section, but is not employed by the State or a local
44 government, may utilize that certificate for the limited purpose of performing third-party plan
45 reviews under subsections (b) and (c) of G.S. 160D-1110.1."

46 **SECTION 5.** This act becomes effective October 1, 2023, and applies to permit
47 applications submitted on or after that date.