

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

FILED SENATE  
Mar 27, 2023  
S.B. 378  
PRINCIPAL CLERK

S

D

SENATE BILL DRS55043-BGF-3A

Short Title: Code Council Reorg. and Var. Code Amend. (Public)

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

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REORGANIZE THE BUILDING CODE COUNCIL AND CREATE THE  
3 RESIDENTIAL CODE COUNCIL AND TO AMEND VARIOUS PROVISIONS OF THE  
4 NORTH CAROLINA STATE BUILDING CODE AND LAND DEVELOPMENT  
5 REGULATIONS.

6 The General Assembly of North Carolina enacts:

7  
8 **BUILDING CODE COUNCIL REORGANIZATION, CREATION OF THE**  
9 **RESIDENTIAL CODE COUNCIL, AND CLARIFY STATUTORY REFERENCES TO**  
10 **THE NORTH CAROLINA STATE BUILDING CODE**

11 **SECTION 1.(a)** Article 9 of Chapter 143 of the General Statutes reads as rewritten:

12 "Article 9.

13 "~~Building Code Council~~Council, Residential Code Council, and North Carolina State Building  
14 Code.

15 "**§ 143-136. Building Code Council created; membership, committees.**

16 ...

17 (d) Building Code Committee Created; Duties. – Within the Building Code Council, there  
18 is hereby created a Building Code Committee for all structures except those subject to the North  
19 Carolina State ~~Residential Building Code: Residential Code for One and Two Family~~  
20 ~~Dwellings Code.~~ The committee shall be composed of the following nine members of the  
21 Building Code Council:

- 22 (1) One of the licensed architects appointed by the chairman of the Building Code  
23 Council.  
24 (2) The licensed engineer practicing mechanical engineering.  
25 (3) The licensed engineer practicing electrical engineering.  
26 (4) The licensed engineer practicing structural engineering.  
27 (5) The municipal elected official.  
28 (6) The fire service representative.  
29 (7) The municipal or county building inspector.  
30 (8) The State agency engineer.  
31 (9) The licensed general contractor.

32 The chairman of the Building Code Council shall call the first meeting of the Committee, at  
33 which meeting the Committee shall elect a chairman from among the members of the Committee  
34 as the first order of business. Thereafter, the Committee shall meet upon the call of the chairman  
35 to review any proposal for revision or amendment to the North Carolina State ~~Building Code,~~  
36 including provisions applicable to the North Carolina Energy Conservation Code, the North



\* D R S 5 5 0 4 3 - B G F - 3 A \*

1 Carolina Electrical Code, the North Carolina Fuel Gas Code, the North Carolina Plumbing Code,  
2 the North Carolina Mechanical Code, the North Carolina Existing Building Code, and any other  
3 code applicable to commercial or multi-family construction, and no revision or amendment to  
4 any of these codes applicable to commercial or multi-family construction may be considered by  
5 the Building Code Council unless recommended by this committee. This committee shall also  
6 oversee the process by which the Council conducts its revision of the codes applicable to  
7 commercial or multi-family construction pursuant to G.S. 143-138(d). This committee shall also  
8 consider any appeal or interpretation arising under G.S. 143-141 pertaining to codes applicable  
9 to commercial or multi-family construction and make a recommendation to the Building Code  
10 Council for disposition of the appeal or interpretation. In considering the recommendations of  
11 the committee related to revisions and amendments of the Building Code, nothing in this  
12 subsection shall prevent the Building Code Council from accepting, rejecting, or amending the  
13 recommendation, provided that any amendment to the recommendation must be germane.

14 **"§ 143-136.1. Residential Code Council created; membership.**

15 (a) Creation; Membership. – There is hereby created a Residential Code Council, which  
16 consists of 13 members appointed as follows:

- 17 (1) One member appointed by the General Assembly upon the recommendation  
18 of the Speaker of the House of Representatives who shall hold an unlimited  
19 residential contractor license under Chapter 87 of the General Statutes.
- 20 (2) One member appointed by the General Assembly upon the recommendation  
21 of the President Pro Tempore of the Senate who shall hold an intermediate  
22 residential contractor license under Chapter 87 of the General Statutes.
- 23 (3) One member appointed by the General Assembly upon the recommendation  
24 of the Speaker of the House of Representatives who shall hold a plumbing  
25 contractor license under Chapter 87 of the General Statutes and specializes in  
26 residential construction.
- 27 (4) One member appointed by the General Assembly upon the recommendation  
28 of the President Pro Tempore of the Senate who shall hold a heating contractor  
29 license under Chapter 87 of the General Statutes and specializes in residential  
30 construction.
- 31 (5) One member appointed by the General Assembly upon the recommendation  
32 of the Speaker of the House of Representatives who shall hold an unlimited  
33 general contractor license under Chapter 87 of the General Statutes and  
34 specializes in coastal construction.
- 35 (6) One member appointed by the General Assembly upon the recommendation  
36 of the President Pro Tempore of the Senate who shall hold a limited residential  
37 contractor license under Chapter 87 of the General Statutes.
- 38 (7) One member appointed by the Governor subject to confirmation in accordance  
39 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
40 hold an electrical contractor license under Chapter 87 of the General Statutes.
- 41 (8) One member appointed by the Governor subject to confirmation in accordance  
42 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
43 be a licensed professional engineer under Chapter 89C of the General Statutes  
44 and specializes in residential construction.
- 45 (9) One member appointed by the Governor subject to confirmation in accordance  
46 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
47 be a Level I or Level II Code-enforcement official employed by a municipality  
48 or county.
- 49 (10) One member appointed by the Governor subject to confirmation in accordance  
50 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
51 be a member of the public-at-large.

1           (11) One member appointed by the Governor subject to confirmation in accordance  
2 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
3 be a licensed architect under Chapter 83A of the General Statutes and  
4 specializes in residential construction or a licensed professional engineer  
5 under Chapter 89C of the General Statutes and specializes in residential  
6 construction.

7           (12) One member appointed by the Governor subject to confirmation in accordance  
8 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
9 be a fire service representative.

10          (13) One member appointed by the Governor subject to confirmation in accordance  
11 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
12 hold a general contractor license under Chapter 87 of the General Statutes and  
13 specializes in residential foundations or concrete placement.

14          (b) Terms; Vacancies; Chair. – Of the members initially appointed by the General  
15 Assembly upon the recommendation of the Speaker of the House of Representatives, one shall  
16 serve for a term of two years, one shall serve for a term of four years, and one shall serve for a  
17 term of six years. Of the members initially appointed by the General Assembly upon the  
18 recommendation of the President Pro Tempore of the Senate, one shall serve for a term of two  
19 years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the  
20 members initially appointed by the Governor, one shall serve for a term of two years, one shall  
21 serve for a term of four years, and two shall serve for a term of six years. Thereafter, all  
22 appointments shall be for terms of six years. Appointments by the General Assembly shall be  
23 made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in  
24 accordance with G.S. 120-122. Vacancies in appointments made by the Governor shall be filled  
25 by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the  
26 North Carolina Constitution. The Governor shall designate one member of the Council as chair.

27          (c) Compensation. – Members of the Residential Code Council, other than any who are  
28 employees of the State, shall receive seven dollars (\$7.00) per day, including necessary time  
29 spent in traveling to and from their place of residence within the State to any place of meeting or  
30 while traveling on official business of the Council. In addition, all members shall receive mileage  
31 and subsistence according to State practice while going to and from any place of meeting, or  
32 when on official business of the Council.

33          (d) Duties. – The Residential Code Council shall review and consider any proposal for  
34 revision or amendment to the North Carolina Residential Code, including applicable provisions  
35 from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North  
36 Carolina Fuel Gas Code, North Carolina Plumbing Code, North Carolina Mechanical Code,  
37 North Carolina Existing Building Code, and any other code applicable to residential construction.  
38 This Council shall also consider any appeal or interpretation arising under G.S. 143-141  
39 pertaining to the North Carolina Residential Code and make disposition of the appeal or issue an  
40 interpretation.

41 ...

42 **"§ 143-137.1. Organization of Residential Code Council; rules; meetings; staff; fiscal**  
43 **affairs; quorum.**

44          (a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the  
45 Residential Code Council shall meet on call of the Commissioner of Insurance. The Council shall  
46 adopt rules it may deem necessary for the proper discharge of its duties. The chair may establish  
47 and appoint members to any committees the work of the Council may require. In addition, the  
48 chair may establish and appoint an ad hoc code revision committee to consider and prepare  
49 revisions and amendments to the North Carolina Residential Code. The ad hoc committee shall  
50 consist of members of the Council, licensed contractors, and design professionals most affected

1 by the North Carolina Residential Code, and members of the public. Committees shall meet upon  
2 the call of their respective chairs and shall report their recommendations to the Council.

3 (b) Meetings. – The Residential Code Council shall meet regularly, at least once every  
4 six months, at places and dates to be determined by the Council. Special meetings may be called  
5 by the chair and must be called by the chair at the request of two or more members of the Council.  
6 All members shall be notified by the chair in writing of the time and place of regular and special  
7 meetings at least seven days in advance of such meeting. All meetings shall be open to the public.

8 (c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall  
9 serve as a staff for the Residential Code Council. This staff shall have the following duties:

10 (1) Keeping an accurate and complete record of all meetings, hearings,  
11 correspondence, laboratory studies, and technical work performed by or for  
12 the Council, and making these records available for public inspection at all  
13 reasonable times.

14 (2) Handling correspondence for the Council.

15 (d) Fiscal Affairs of the Council. – All funds for the operations of the Residential Code  
16 Council and its staff shall be appropriated to the Department of Insurance for the use of the  
17 Council. These funds shall be held in a separate or special account on the books of the Department  
18 of Insurance, with a separate financial designation or code number to be assigned by the  
19 Department of Administration or its agent. Expenditures for staff salaries and operating expenses  
20 shall be made in the same manner as the expenditure of any other Department of Insurance funds.  
21 The Department of Insurance may hire any additional personnel necessary to handle the work of  
22 the Council, within the limits of funds appropriated for the Council and with the approval of the  
23 Council.

24 (e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the  
25 transaction of business and an affirmative vote of nine members present shall be necessary to  
26 approve any action of the Council, including any amendment or revision to the North Carolina  
27 Residential Code. No member may vote by proxy.

28 **"§ 143-138. North Carolina State Building Code.**

29 (a) Preparation and Adoption. – The Building Code Council and Residential Code  
30 Council may prepare and adopt, in accordance with the provisions of this Article, a North  
31 Carolina State Building Code. Before the adoption of any volume of the Code, or any part of the  
32 Code, the responsible Council shall hold at least one public hearing. A notice of the public  
33 hearing shall be published in the North Carolina Register at least 15 days before the date of the  
34 hearing. Notwithstanding G.S. 150B-2(8a)h., any volume, or any part, of the North Carolina  
35 State Building Code as adopted by the Building Code Council or Residential Code Council is a  
36 rule within the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with the  
37 procedural requirements of Article 2A of Chapter 150B of the General Statutes. For the purposes  
38 of this Article, "North Carolina State Building Code" or "Code" shall collectively refer to all  
39 Code volumes, as revised or amended, prepared and adopted by the Building Code Council or  
40 Residential Code Council pursuant to this Article, including the following Code volumes:

41 (1) North Carolina Administrative Code and Policies.

42 (2) North Carolina Building Code.

43 (3) North Carolina Electrical Code.

44 (4) North Carolina Energy Conservation Code.

45 (5) North Carolina Existing Building Code.

46 (6) North Carolina Fire Code.

47 (7) North Carolina Fuel Gas Code.

48 (8) North Carolina Mechanical Code.

49 (9) North Carolina Plumbing Code.

50 (10) North Carolina Residential Code.

51 (a1) Additional Adoption Requirements. –

1 (1) The Building Code Council or Residential Code Council shall request the  
2 Office of State Budget and Management to prepare a fiscal note for a proposed  
3 Code change that has a substantial economic impact, as defined in  
4 G.S. 150B-21.4(b1), or that increases the cost of residential housing by eighty  
5 dollars (\$80.00) or more per housing unit. The change can become effective  
6 only in accordance with G.S. 143-138(d). Neither the Department of  
7 Insurance nor the ~~Council-Councils~~ shall be required to expend any monies to  
8 pay for the preparation of any fiscal note under this section by any person  
9 outside of the Department or ~~Council-Councils~~ unless the Department or  
10 ~~Council-contracts-Councils contract~~ with a third-party vendor to prepare the  
11 fiscal note.

12 (2) The responsible Council shall conduct a cost-benefit analysis for all proposed  
13 changes considered after January 1, 2018, to the North Carolina Energy  
14 Conservation Code.

15 (b) Contents of the Code. – The North Carolina State Building Code, as adopted by the  
16 Building Code Council or Residential Code Council, may include reasonable and suitable  
17 classifications of buildings and structures, both as to use and occupancy; general building  
18 restrictions as to location, height, and floor areas; rules for the lighting and ventilation of  
19 buildings and structures; requirements concerning means of egress from buildings and structures;  
20 requirements concerning means of ingress in buildings and structures; rules governing  
21 construction and precautions to be taken during construction; rules as to permissible materials,  
22 loads, and stresses; rules governing chimneys, heating appliances, elevators, and other facilities  
23 connected with the buildings and structures; rules governing plumbing, heating, air conditioning  
24 for the purpose of comfort cooling by the lowering of temperature, and electrical systems; and  
25 such other reasonable rules pertaining to the construction of buildings and structures and the  
26 installation of particular facilities therein as may be found reasonably necessary for the protection  
27 of the occupants of the building or structure, its neighbors, and members of the public at large.

28 ...

29 (b2) Carbon Monoxide Alarms. – The Code (i) may contain provisions requiring the  
30 installation of either battery-operated or electrical carbon monoxide alarms in every dwelling  
31 unit having a combustion heater, appliance, or fireplace, and in any dwelling unit having an  
32 attached garage and (ii) shall contain provisions requiring the installation of electrical carbon  
33 monoxide alarms at a lodging establishment. Violations of this subsection and rules adopted  
34 pursuant to this subsection shall be punishable in accordance with subsection (h) of this section  
35 and G.S. 143-139. In particular, the rules shall provide:

36 ...

37 (3) The Building Code Council shall modify the ~~NC State Building Code (Fire~~  
38 ~~Prevention)~~ North Carolina Fire Code to regulate the provisions of this  
39 subsection in new and existing lodging establishments, including hotels,  
40 motels, tourist homes that provide accommodations for seven or more  
41 continuous days (extended-stay establishments), and bed and breakfast inns  
42 and bed and breakfast homes as defined in G.S. 130A-247; provided nothing  
43 in this subsection shall prevent the Building Code Council from establishing  
44 more stringent rules regulating carbon monoxide alarms or detectors for new  
45 lodging establishments, including hotels, motels, tourist homes that provide  
46 accommodations for seven or more continuous days (extended-stay  
47 establishments), and bed and breakfast inns and bed and breakfast homes as  
48 defined in G.S. 130A-247. The Building Code Council shall modify the ~~NC~~  
49 ~~State Building Code (Fire Prevention)~~ North Carolina Fire Code minimum  
50 inspection schedule to include annual inspections of new and existing lodging  
51 establishments, including hotels, motels, and tourist homes that provide

- 1 accommodations for seven or more continuous days (extended-stay  
2 establishments), and bed and breakfast inns and bed and breakfast homes as  
3 defined in G.S. 130A-247 for the purpose of compliance with this subsection.  
4 (4) Upon discovery of a violation of this subsection that poses an imminent hazard  
5 and that is not corrected during an inspection of a lodging establishment  
6 subject to the provisions of G.S. 130A-248, the code official responsible for  
7 enforcing the ~~NC State Building Code (Fire Prevention)~~ North Carolina Fire  
8 Code shall immediately notify the local health director for the county in which  
9 the violation was discovered, or the local health director's designee, by verbal  
10 contact and shall also submit a written report documenting the violation of this  
11 subsection to the local health director for the county in which the violation  
12 was discovered, or the local health director's designee, on the next working  
13 day following the discovery of the violation. Within one working day of  
14 receipt of the written report documenting a violation of this subsection, the  
15 local health director for the county in which the violation was discovered, or  
16 the local health director's designee, shall investigate and take appropriate  
17 action regarding the permit for the lodging establishment, as provided in  
18 G.S. 130A-248. Lodging establishments having five or more rooms that are  
19 exempted from the requirements of G.S. 130A-248 by G.S. 130A-250 shall  
20 be subject to the penalties set forth in the ~~NC State Building Code (Fire~~  
21 ~~Prevention)~~ North Carolina Fire Code.  
22 (5) Upon discovery of a violation of this subsection that does not pose an  
23 imminent hazard and that is not corrected during an inspection of a lodging  
24 establishment subject to the provisions of G.S. 130A-248, the owner or  
25 operator of the lodging establishment shall have a correction period of three  
26 working days following the discovery of the violation to notify the code  
27 official responsible for enforcing the ~~NC State Building Code (Fire~~  
28 ~~Prevention)~~ North Carolina Fire Code verbally or in writing that the violation  
29 has been corrected. If the code official receives such notification, the code  
30 official may reinspect the portions of the lodging establishment that contained  
31 violations, but any fees for reinspection shall not exceed the fee charged for  
32 the initial inspection. If the code official receives no such notification, or if a  
33 reinspection discovers that previous violations were not corrected, the code  
34 official shall submit a written report documenting the violation of this  
35 subsection to the local health director for the county in which the violation  
36 was discovered, or the local health director's designee, within three working  
37 days following the termination of the correction period or the reinspection,  
38 whichever is later. The local health director shall investigate and may take  
39 appropriate action regarding the permit for the lodging establishment, as  
40 provided in G.S. 130A-248. Lodging establishments having five or more  
41 rooms that are exempted from the requirements of G.S. 130A-248 by  
42 G.S. 130A-250 shall be subject to the penalties set forth in the ~~NC State~~  
43 ~~Building Code (Fire Prevention)~~ North Carolina Fire Code.

44 ...

45 (b7) Appendices. – For the information of users thereof, the Code shall include as  
46 appendices the following:

- 47 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure  
48 Vessels Rules,  
49 (2) Any rules relating to the safe operation of elevators adopted by the  
50 Commissioner of Labor, and

- 1 (3) Any rules relating to sanitation adopted by the Commission for Public Health  
2 which the Building Code Council or Residential Code Council believes  
3 pertinent.

4 The Code may include references to such other rules of special types, such as those of the  
5 Medical Care Commission and the Department of Public Instruction as may be useful to persons  
6 using the Code. No rule issued by any agency other than the Building Code Council or  
7 Residential Code Council shall be construed as a part of the Code, nor supersede that Code, it  
8 being intended that they be presented with the Code for information only.

9 ...

10 (b9) Exclusion for Industrial Machinery. – Nothing in this Article shall extend to or be  
11 construed as being applicable to the regulation of the design, construction, location, installation,  
12 or operation of industrial machinery. However, if during the ~~building code~~ Code inspection  
13 process, an electrical inspector has any concerns about the electrical safety of a piece of industrial  
14 machinery, the electrical inspector may refer that concern to the Occupational Safety and Health  
15 Division in the North Carolina Department of Labor but shall not withhold the certificate of  
16 occupancy nor mandate third-party testing of the industrial machinery based solely on this  
17 concern. For the purposes of this paragraph, "industrial machinery" means equipment and  
18 machinery used in a system of operations for the explicit purpose of producing a product or  
19 acquired by a State-supported center providing testing, research, and development services to  
20 manufacturing clients. The term does not include equipment that is permanently attached to or a  
21 component part of a building and related to general building services such as ventilation, heating  
22 and cooling, plumbing, fire suppression or prevention, and general electrical transmission.

23 ...

24 (b13) Migrant Housing. – The Building Code Council shall provide for an exemption from  
25 any requirements in the ~~fire prevention code~~ North Carolina Fire Code for installation of an  
26 automatic sprinkler system applicable to buildings meeting all of the following:

- 27 (1) Has one floor.  
28 (2) Meets all requirements of 29 C.F.R. § 1910.142, as amended.  
29 (3) Meets all requirements of Article 19 of Chapter 95 of the General Statutes and  
30 rules implementing that Article.

31 For purposes of this subsection, "migrant housing" and "migrant" shall be defined as in  
32 G.S. 95-223.

33 ...

34 (b15) Exclusion from Energy Conservation Code Requirements for Existing Commercial  
35 Buildings. – The alteration of commercial buildings and structures that received a certificate of  
36 occupancy prior to January 1, 2012, may be subject to the rules pertaining to energy efficiency  
37 and energy conservation that were in effect on December 31, 2011. The addition to commercial  
38 buildings and structures that received a certificate of occupancy prior to January 1, 2012, may be  
39 subject to the rules pertaining to energy efficiency and energy conservation that were in effect  
40 on December 31, 2011, so long as the addition does not increase the building area of the existing  
41 commercial building or structure to more than one hundred fifty percent (150%) of the building  
42 area of the commercial building or structure as it was in existence on December 31, 2011. For  
43 the purpose of this subsection, the term "commercial buildings and structures" shall include all  
44 structures and buildings that are not classified as a Group R occupancy by the Building Code  
45 Council.

46 ...

47 (b18) Exclusion From Energy ~~Efficiency~~ Conservation Code Requirements for Certain Use  
48 and Occupancy Classifications. – The Building Code Council shall provide for an exemption  
49 from any requirements in the energy efficiency standards pursuant to Chapter 13 of the 2012  
50 North Carolina Building Code and the 2012 Energy Conservation Code, and any subsequent  
51 amendments to the North Carolina Building Code and North Carolina Energy Conservation

1 Code, for the following use and occupancy classifications pursuant to Chapter 3 of the 2012  
2 North Carolina Building Code: Section 306, Factory Group F; Section 311, Storage Group S;  
3 and Section 312, Utility and Miscellaneous Group U. This exclusion shall apply to the entire  
4 floor area of any structure for which the primary use or occupancy is listed herein.

5 (b19) Exclusion From Energy Efficiency Code Requirements for Residential Garages. –  
6 The Residential Code Council shall provide for an exemption for detached and attached garages  
7 located on the same lot as a dwelling from any requirements in the energy efficiency standards  
8 pursuant to Chapter 11 of the North Carolina Residential Code ~~for One and Two Family~~  
9 ~~Dwellings~~ and Chapter 4 of the North Carolina Energy Conservation Code.

10 ...

11 (b22) (Expires December 31, 2024 – see note) Limit Requirement for Certain Plans to be  
12 Under Professional Seal. – The North Carolina State Building Code shall not require that plans  
13 and specifications for any alteration, remodeling, renovation, or repair of a commercial building  
14 or structure be prepared by and under the seal of a registered architect licensed under Chapter  
15 83A of the General Statutes, or a registered engineer licensed under Chapter 89C of the General  
16 Statutes, if the alteration, remodeling, renovation, or repair costs less than three hundred thousand  
17 dollars (\$300,000) or if the total building area does not exceed 3,000 square feet in gross floor  
18 area and all of the following apply:

- 19 (1) The alteration, remodeling, renovation, or repair does not include the addition,  
20 repair, or replacement of load-bearing structures.
- 21 (2) The alteration, remodeling, renovation, or repair is not subject to the  
22 requirements of G.S. 133-1.1(a).
- 23 (3) The alteration, remodeling, renovation, or repair is performed in accordance  
24 with the current edition of the North Carolina Fire ~~Prevention~~ Code.

25 (c) Standards to Be Followed in Adopting the Code. – All regulations contained in the  
26 North Carolina State Building Code shall have a reasonable and substantial connection with the  
27 public ~~health, safety, morals, or general welfare,~~ health and safety, and their provisions shall be  
28 construed reasonably to those ends. Requirements of the Code shall conform to good engineering  
29 practice. The Building Code Council and Residential Code Council may use as guidance, but is  
30 not required to adopt, the requirements of the International Building Code of the International  
31 Code Council, the Standard Building Code of the Southern Building Code Congress  
32 International, Inc., the Uniform Building Code of the International Conference of Building  
33 Officials, the National Building Code of the Building Officials and Code Administrators, Inc.,  
34 the National Electric Code, the Life Safety Code, the National Fuel Gas Code, the Fire Prevention  
35 Code of the National Fire Protection Association, the Safety Code for Elevators and Escalators,  
36 and the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, and  
37 standards promulgated by the American National Standards Institute, Standards Underwriters'  
38 Laboratories, Inc., and similar national or international agencies engaged in research concerning  
39 strength of materials, safe design, and other factors bearing upon health and safety.

40 ...

41 (d) Amendments of the Code. – ~~Subject to the procedures set forth in G.S. 143-136(e)~~  
42 ~~and (d), the~~ The Building Code Council and Residential Code Council may periodically revise  
43 and amend ~~the those parts of the~~ the North Carolina State Building Code, Code for which those  
44 Councils are responsible, either on ~~its~~ their own motion or upon application from any citizen,  
45 State agency, or political subdivision of the State. In addition to the periodic revisions or  
46 amendments made by the responsible Council, the Residential Code Council shall, ~~following the~~  
47 ~~procedure set forth in G.S. 143-136(e), shall~~ revise or amend the North Carolina State Building  
48 Code: Residential Code for One and Two Family Dwellings, Code, including provisions  
49 applicable to ~~One and Two Family Dwellings~~ dwellings covered by the North Carolina  
50 Residential Code, from the NC North Carolina Energy Conservation Code, NC North Carolina  
51 Electrical Code, NC North Carolina Fuel Gas Code, NC North Carolina Plumbing Code, and NC



1 North Carolina Mechanical Code only every six years, to become effective the first day of  
2 January of the following year, with at least six months between adoption and effective date. The  
3 first six-year revision by the Residential Code Council under this subsection shall be adopted to  
4 become effective January 1, ~~2019, 2031,~~ and every six years thereafter. In adopting any  
5 amendment, the Building Code Council and Residential Code Council shall comply with the  
6 same procedural requirements and the same standards ~~set forth above~~ for adoption of the Code.  
7 The Building Code Council and Residential Code Council, through the Department of Insurance,  
8 shall publish in the North Carolina Register all appeal decisions made by the responsible Code  
9 Council and all formal opinions at least semiannually. The Building Code Council and  
10 Residential Code Council, through the Department of Insurance, shall also publish at least  
11 semiannually in the North Carolina Register a statement providing the accurate ~~Web site~~ website  
12 address and information on how to find additional commentary and interpretation of the Code.

13 (d1) Cost-Benefit Analysis. – When the Building Code Council or Residential Code  
14 Council revises or amends the North Carolina State Building ~~Code~~ Code, or any part of the Code,  
15 as provided in subsection (d) of this section and considers an economic analysis or cost-benefit  
16 analysis of the proposed revision or amendment, the responsible Code Council shall not limit its  
17 review to an economic analysis or cost-benefit analysis submitted by the proponent of the  
18 proposed revision or amendment but shall either conduct its own economic analysis or  
19 cost-benefit analysis or consider an economic analysis or cost-benefit analysis submitted other  
20 than by the proponent of the proposed revision or amendment. This section shall not apply to a  
21 proposal for revision or amendment made upon motion of a responsible Code Council or  
22 submitted by a State agency or political subdivision of the State.

23 (e) Effect upon Local Codes. – Except as otherwise provided in this section, the North  
24 Carolina State Building Code shall apply throughout the State, from the time of its adoption.  
25 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any  
26 political subdivision of the State may adopt a fire prevention code and floodplain management  
27 regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for  
28 this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal  
29 jurisdiction shall include all areas within the corporate limits of the municipality and  
30 extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county  
31 jurisdiction shall include all other areas of the county. No such code or regulations, other than  
32 floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective  
33 until they have been officially approved by the ~~Building~~ responsible Code Council as providing  
34 adequate minimum standards to preserve and protect health and safety, in accordance with the  
35 provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses  
36 of buildings or structures located in flood hazard areas identified by local, State, and federal  
37 agencies, and include provisions governing substantial improvements, substantial damage,  
38 cumulative substantial improvements, lowest floor elevation, protection of mechanical and  
39 electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and  
40 other measures the political subdivision deems necessary considering the characteristics of its  
41 flood hazards and vulnerability. In the absence of approval by the Building Code Council or  
42 Residential Code Council, or in the event that approval is withdrawn, local fire prevention codes  
43 and regulations shall have no force and effect. Provided any local regulations approved by the  
44 local governing body which are found by the Council to be more stringent than the adopted  
45 statewide fire prevention code and which are found to regulate only activities and conditions in  
46 buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and  
47 are not matters in conflict with the ~~State Building Code~~, may be approved. Local governments  
48 may enforce the fire prevention code of the ~~State Building Code~~ using civil remedies authorized  
49 under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State  
50 official with responsibility for enforcement of the Code institutes a civil action pursuant to  
51 G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123,

1 or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such  
 2 civil remedies shall be as provided in G.S. 160D-1127.

3 A local government may not adopt any ordinance ~~i~~n conflict with the exemption provided  
 4 by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the  
 5 exemption provided by subsection (c1) of this section.

6 ...  
 7 (g) Publication and Distribution of Code. – The Building Code Council and Residential  
 8 Code Council shall cause to be printed, after adoption by ~~the each responsible Code Council~~, the  
 9 North Carolina State Building ~~Code Code~~, or any part of the Code, and each amendment thereto.  
 10 It shall, at the State's expense, distribute copies of the Code and each amendment to State and  
 11 local governmental officials, departments, agencies, and educational institutions, as is set out in  
 12 the table below. (Those marked by an asterisk will receive copies only on written request to the  
 13 Council.)

OFFICIAL OR AGENCY	NUMBER OF COPIES
State Departments and Officials	
Governor .....	1
Lieutenant Governor .....	1
Auditor .....	1
Treasurer .....	1
Secretary of State .....	1
Superintendent of Public Instruction.....	1
Attorney General (Library) .....	1
Commissioner of Agriculture.....	1
Commissioner of Labor.....	1
Commissioner of Insurance .....	1
Department of Environmental	
Quality.....	1
Department of Health and Human Service .....	1
Division of Adult Correction and Juvenile Justice of the	
Department of Public Safety .....	1
Board of Transportation .....	1
Utilities Commission.....	1
Department of Administration .....	1
Clerk of the Supreme Court .....	1
Clerk of the Court of Appeals .....	1
Department of Natural and Cultural Resources [State	
Library] .....	1
Supreme Court Library .....	1
Legislative Library .....	1
Office of Administrative Hearings.....	1
Rules Review Commission .....	1
Schools	
All state-supported colleges and universities	
in the State of North Carolina .....	*1 each
Local Officials	
Clerks of the Superior Courts.....	1 each
Chief Building Inspector of each incorporated	
municipality or county .....	1
In addition, the Building Code Council <u>and Residential Code Council</u> shall make additional 49 copies available at such price as it shall deem reasonable to members of the general public. The 50	

1 proceeds from sales of the ~~Building Code~~ Code, or any part of the Code, shall be credited to the  
2 Insurance Regulatory Fund under G.S. 58-6-25.

3 ...

4 (j) Subsection (i) of this section does not apply to business occupancy buildings as  
5 defined in the North Carolina ~~State~~ Building Code except that evacuation plans as required on  
6 page 8, lines 2 through 16, and smoke detectors as required for Class I Buildings as required by  
7 Section 1008.2, page 11, lines 5 through 21; Class II Buildings as required by Section 1008.3,  
8 page 17, lines 17 through 28 and page 18, lines 1 through 10; and Class III Buildings, as required  
9 by Section 1008.4, lines 21 through 25 shall not be exempted from operation of this act as applied  
10 to business occupancy buildings, except that the Council shall adopt rules that allow a business  
11 occupancy building built prior to 1953 to have a single exit to remain if the building complies  
12 with the North Carolina Building Code on or before December 31, 2006.

13 (j1) A nonbusiness occupancy building built prior to the adoption of the 1953 Building  
14 Code that is not in compliance with Section 402.1.3.5 of Volume IX of the Building Code or  
15 Section 3407.2.2 of Volume I of the Building Code must comply with the applicable sections by  
16 December 31, 2006.

17 ...

18 "**§ 143-138.1. Introduction and instruction of the North Carolina State Building Code;**  
19 **posting of written commentaries and interpretations on Department of**  
20 **Insurance ~~Web site~~ website.**

21 (a) Prior to the effective date of Code changes pursuant to G.S. 143-138, the ~~State~~  
22 ~~Building-responsible~~ Code Council and Department of Insurance shall provide for instructional  
23 classes for the various trades affected by the ~~Code changes~~. The Department of Insurance shall  
24 develop the curriculum for each class but shall consult the affected licensing boards and trade  
25 organizations. The curriculum shall include explanations of the rationale and need for each Code  
26 amendment or revision. Classes may also be conducted by, on behalf of, or in cooperation with  
27 licensing boards, trade associations, and professional societies. The Department of Insurance  
28 may charge fees sufficient to recover the costs it incurs under this section. The responsible Code  
29 Council shall ensure that courses are accessible to persons throughout the State.

30 (b) The Department of Insurance shall post and maintain on that portion of its ~~Web site~~  
31 website devoted to the Building Code Council and Residential Code Council written  
32 commentaries and written interpretations made and given by staff to ~~the each responsible Code~~  
33 Council and the Department for each section of the North Carolina State Building Code within  
34 10 business days of issuance.

35 "**§ 143-139. Enforcement of the North Carolina State Building Code.**

36 (a) Procedural Requirements. – Subject to the provisions set forth herein, the Building  
37 Code Council and Residential Code Council shall adopt such procedural requirements in the  
38 North Carolina State Building Code as shall appear reasonably necessary for adequate  
39 enforcement of the Code while safeguarding the rights of persons subject to the Code.

40 ...

41 "**§ 143-139.1. Certification of manufactured buildings, structures or components by**  
42 **recognized independent testing laboratory; minimum standards for**  
43 **single-family, on-frame modular homes.**

44 (a) Certification. – The North Carolina State Building Code may provide, in  
45 circumstances deemed appropriate by the ~~Building-responsible~~ Code Council, for testing,  
46 evaluation, inspection, and certification of buildings, structures or components manufactured off  
47 the site on which they are to be erected, by a recognized independent testing laboratory having  
48 follow-up inspection services approved by the ~~Building-responsible~~ Code Council. Approval of  
49 such buildings, structures or components shall be evidenced by labels or seals acceptable to the  
50 responsible Council. All building units, structures or components bearing such labels or seals  
51 shall be deemed to meet the requirements of the North Carolina State Building Code and this

1 Article without further inspection or payment of fees, except as may be required for the  
2 enforcement of the Code relative to the connection of units and components and enforcement of  
3 local ordinances governing zoning, utility connections, and foundations permits. The Building  
4 Code Council and Residential Code Council shall adopt and may amend from time to time such  
5 reasonable and appropriate rules and regulations as ~~it deems~~ they deem necessary for approval  
6 of agencies offering such testing, evaluation, inspection, and certification services and for  
7 overseeing their operations. Such rules and regulations shall include provisions to insure that  
8 such agencies are independent and free of any potential conflicts of interest which might  
9 influence their judgment in exercising their functions under the ~~Code~~ for which they are  
10 responsible. Such rules and regulations may include a schedule of reasonable fees to cover  
11 administrative expenses in approving and overseeing operations of such agencies and may  
12 require the posting of a bond or other security satisfactory to the responsible Code Council  
13 guaranteeing faithful performance of duties under the Code.

14 The Building-responsible Code Council may also adopt rules to insure that any person that is  
15 not licensed, in accordance with G.S. 87-1, and that undertakes to erect a North Carolina labeled  
16 manufactured modular building, meets the manufacturer's installation instructions and applicable  
17 provisions of the North Carolina State Building Code. Any such person, before securing a permit  
18 to erect a modular building, shall provide the code enforcement official proof that he has in force  
19 for each modular building to be erected a \$5,000 surety bond insuring compliance with the  
20 regulations of the North Carolina State Building Code governing installation of modular  
21 buildings.

22 ....

23 **"§ 143-139.2. Enforcement of insulation requirements; certificate for occupancy; no**  
24 **electric service without compliance.**

25 (a) In addition to other enforcement provisions set forth in this Chapter, no single family  
26 or multi-unit residential building on which construction is begun in North Carolina on or after  
27 January 1, 1978, shall be occupied until it has been certified as being in compliance with the  
28 minimum insulation standards for residential construction, as prescribed in the North Carolina  
29 State Building Code or as approved by the Building-responsible Code Council as provided in  
30 G.S. 143-138(e).

31 (b) No public supplier of electric service, including regulated public utilities, municipal  
32 electric service and electric membership corporations, shall connect for electric service to an  
33 occupant any residential building on which construction is begun on or after January 1, 1978,  
34 unless said building complies with the insulation requirements of the North Carolina State  
35 Building Code or of local building codes approved by the ~~Building Codes-responsible Code~~  
36 Council as provided in G.S. 143-138(e), and has been certified for occupancy in compliance with  
37 the minimum insulation standards of the North Carolina State Building Code or of any local  
38 modification approved as provided in G.S. 143-138(e), by a person designated as an inspector  
39 pursuant to subsection (a) of this section.

40 (c) This section shall apply only in any county or city that elects to enforce the insulation  
41 and energy utilization standards of the North Carolina State Building Code pursuant to  
42 G.S. 143-151.27.

43 ...

44 **"§ 143-140. Hearings before enforcement agencies as to questions under the North Carolina**  
45 **State Building Code.**

46 (a) Any person desiring to raise any question under this Article or under the North  
47 Carolina State Building Code shall be entitled to a technical interpretation from the appropriate  
48 enforcement agency, as designated in the preceding section. Upon request in writing by any such  
49 person, the enforcement agency through an appropriate official shall within a reasonable time  
50 provide a written interpretation, setting forth the facts found, the decision reached, and the

1 reasons therefor. In the event of dissatisfaction with such decision, the person affected shall have  
2 the options of:

3 (1) Appealing to the Building Code Council or the Residential Code Council.

4 (2) Appealing directly to the Superior Court, as provided in G.S. 143-141.

5 (b) If an interpretation under this section or under G.S. 143-141(b) changes after a  
6 building permit is issued, the permit applicant may choose which version of the interpretation  
7 will apply to the permit, unless such a choice would cause harm to life or property.

8 **"§ 143-140.1. Alternative design construction and methods; appeals.**

9 The ~~North Carolina~~ Building Code Council shall, by January 1, 2023, promulgate rules,  
10 procedures, and policies for the approval of alternative designs and ~~construction~~. ~~Alternative~~  
11 ~~designs and construction shall that follow~~ the North Carolina State Building Code. The  
12 Residential Code Council shall, by January 1, 2026, promulgate rules, procedures, and policies  
13 for the approval of alternative designs and construction that follow the North Carolina State  
14 Building Code. In the event of a dispute between a local authority having jurisdiction and the  
15 designer or owner-representative regarding alternative designs and construction, and  
16 notwithstanding any other section within this Article, appeals by the designer or  
17 owner-representative on matters pertaining to alternative design construction or methods shall be  
18 heard by the Department of Insurance Engineering Division. The Department of Insurance  
19 Engineering Division shall issue its decision regarding an appeal filed under this section within  
20 10 business days. The Commissioner of Insurance shall adopt rules in furtherance of this section.

21 **"§ 143-141. Appeals to Building Code ~~Council~~ Council and Residential Code Council.**

22 (a) Method of Appeal. – Whenever any person desires to take an appeal to the ~~Building~~  
23 ~~responsible~~ Code Council from the decision of a State enforcement agency relating to any matter  
24 under this Article or under the North Carolina State Building Code, ~~he the appellant~~ shall within  
25 30 days after ~~such the~~ decision give written notice of appeal to the ~~Building-responsible~~ Code  
26 Council through the Division of Engineering of the Department of ~~Insurance that he desires to~~  
27 ~~take an appeal~~. Insurance. A copy of ~~such the~~ notice of appeal shall be filed at the same time with  
28 the enforcement agency from which the appeal is taken. The chairman of the ~~Building-responsible~~  
29 Code Council shall fix a reasonable time and place for a hearing, giving reasonable notice to the  
30 appellant and to the enforcement agency. Such hearing shall be not later than the next regular  
31 meeting of the ~~responsible~~ Code Council. The ~~Building-responsible~~ Code Council shall thereupon  
32 conduct a full and complete hearing as to the matters in controversy, after which it shall within a  
33 reasonable time give a written decision setting forth its findings of fact and its conclusions.

34 (b) Interpretations of the Code. – The ~~Building-responsible~~ Code Council shall have the  
35 duty, in hearing appeals, to give interpretations of such provisions of the North Carolina State  
36 Building Code as shall be pertinent to the matter at issue. ~~appeal~~. Where the ~~responsible~~ Code  
37 Council finds that an enforcement agency was in error in its interpretation of the Code, it shall  
38 remand the case to the agency with instructions to take such action as it directs. Interpretations  
39 by the ~~responsible~~ Code Council and local enforcement officials shall be based on a reasonable  
40 construction of the Code provisions.

41 (c) Variations of the Code. – Where the ~~Building-responsible~~ Code Council finds on  
42 appeal that materials or methods of construction proposed to be used are as good as those required  
43 by the Code, it shall remand the case to the enforcement agency with instructions to permit the  
44 use of such materials or methods of construction. The ~~responsible~~ Code Council shall thereupon  
45 immediately initiate procedures for amending the Code as necessary to permit the use of such  
46 materials or methods of construction.

47 (c1) Posting on Department ~~Web Site~~. Website – The Department of Insurance shall post  
48 and maintain on that portion of its ~~Web site~~ website devoted to the ~~Building-responsible~~ Code  
49 Council all appeal decisions, interpretations, and variations of the Code issued by the ~~responsible~~  
50 Code Council within 10 business days of issuance.

1 (d) Further Appeals to the Courts. – Whenever any person desires to take an appeal from  
2 a decision of the ~~Building-responsible~~ Code Council or from the decision of an enforcement  
3 agency (with or without an appeal to the ~~Building-responsible~~ Code Council), ~~he~~ the appellant  
4 may take an appeal either to the Wake County Superior Court or to the superior court of the  
5 county in which the proposed building is to be situated, in accordance with the provisions of  
6 Chapter 150B of the General Statutes.

7 **"§ 143-142. Further duties of the ~~Building-Code Council.~~Councils.**

8 (a) Recommended Statutory Changes. – It shall be the duty of the ~~Building-responsible~~  
9 Code Council to make a thorough and continuing study of the building laws of the State,  
10 including both the statutes enacted by the General Assembly and the rules and regulations  
11 adopted by State and local agencies. On the basis of such ~~study,~~ studies, the responsible Council  
12 shall from time to time recommend to the ~~1959 and subsequent General Assemblies~~ Assembly  
13 desirable statutory changes to simplify and improve such laws.

14 (b) Recommend Changes in Enforcement Procedures. – It shall be the duty of the  
15 ~~Building-responsible~~ Code Council to make a thorough and continuing study of the manner in  
16 which the building laws of the State are enforced by State, local, and private agencies. On the  
17 basis of such studies, the Council may recommend to the General Assembly any statutory  
18 changes necessary to improve and simplify the enforcement machinery. The responsible Code  
19 Council may also advise State agencies as to any changes in administrative practices which could  
20 be made to improve the enforcement of building laws without statutory changes.

21 ...

22 **"§ 143-143.2. Electric wiring of houses, buildings, and structures.**

23 (a) The electric wiring of houses or buildings for lighting or for other purposes shall  
24 conform to the requirements of the North Carolina State Building Code and any other applicable  
25 State and local laws.

26 ...

27 **"§ 143-143.3. Temporary toilet facilities at construction sites.**

28 (a) Suitable toilet facilities shall be provided and maintained in a sanitary condition  
29 during construction. An adequate number of facilities must be provided for the number of  
30 employees at the construction site. There shall be at least one facility for every two contiguous  
31 construction sites. Such facilities may be portable, enclosed, chemically treated, tank-tight units.  
32 Portable toilets shall be enclosed, screened, and weatherproofed with internal latches. Temporary  
33 toilet facilities need not be provided on-site for crews on a job site for no more than one working  
34 day and having transportation readily available to nearby toilet facilities.

35 (b) It shall be the duty of the ~~Building-responsible~~ Code Council to establish standards to  
36 carry out the provisions of subsection (a) of this section not inconsistent with the requirements  
37 for toilet facilities at construction sites established pursuant to federal occupational safety and  
38 health rules.

39 ...."

40 **SECTION 1.(b)** G.S. 143-136(c) is repealed.

41 **SECTION 1.(c)** G.S. 160D-702 reads as rewritten:

42 **"§ 160D-702. Grant of power.**

43 (a) A local government may adopt zoning regulations. Except as provided in subsections  
44 (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of  
45 stories, and size of buildings and other structures; the percentage of lots that may be occupied;  
46 the size of yards, courts, and other open spaces; the density of population; the location and use  
47 of buildings, structures, and land. A local government may regulate development, including  
48 floating homes, over estuarine waters and over lands covered by navigable waters owned by the  
49 State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable  
50 development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.  
51 Where appropriate, a zoning regulation may include requirements that street and utility

1 rights-of-way be dedicated to the public, that provision be made of recreational space and  
2 facilities, and that performance guarantees be provided, all to the same extent and with the same  
3 limitations as provided for in G.S. 160D-804 and G.S. 160D-804.1.

4 (b) Any regulation relating to building design elements adopted under this Chapter may  
5 not be applied to any structures subject to regulation under the North Carolina Residential Code  
6 ~~for One and Two Family Dwellings~~ except under one or more of the following circumstances:

- 7 (1) The structures are located in an area designated as a local historic district  
8 pursuant to Part 4 of Article 9 of this Chapter.
- 9 (2) The structures are located in an area designated as a historic district on the  
10 National Register of Historic Places.
- 11 (3) The structures are individually designated as local, State, or national historic  
12 landmarks.
- 13 (4) The regulations are directly and substantially related to the requirements of  
14 applicable safety codes adopted under G.S. 143-138.
- 15 (5) Where the regulations are applied to manufactured housing in a manner  
16 consistent with G.S. 160D-908 and federal law.
- 17 (6) Where the regulations are adopted as a condition of participation in the  
18 National Flood Insurance Program.

19 Regulations prohibited by this subsection may not be applied, directly or indirectly, in any  
20 zoning district or conditional district unless voluntarily consented to by the owners of all the  
21 property to which those regulations may be applied as part of and in the course of the process of  
22 seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval,  
23 nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604  
24 or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted  
25 comprehensive plan or other applicable officially adopted plan.

26 For the purposes of this subsection, the phrase "building design elements" means exterior  
27 building color; type or style of exterior cladding material; style or materials of roof structures or  
28 porches; exterior nonstructural architectural ornamentation; location or architectural styling of  
29 windows and doors, including garage doors; the number and types of rooms; and the interior  
30 layout of rooms. The phrase "building design elements" does not include any of the following:  
31 (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering  
32 or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect  
33 the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the  
34 permitted uses of land or structures subject to the North Carolina Residential Code ~~for One and~~  
35 ~~Two Family Dwellings Code.~~

36 Nothing in this subsection affects the validity or enforceability of private covenants or other  
37 contractual agreements among property owners relating to building design elements.

38 (c) A zoning or other development regulation shall not do any of the following:

- 39 (1) Set a minimum square footage of any structures subject to regulation under  
40 the North Carolina Residential Code ~~for One and Two Family~~  
41 ~~Dwellings Code.~~
- 42 (2) Set a maximum parking space size larger than 9 feet wide by 20 feet long  
43 unless the parking space is designated for handicap, parallel, or diagonal  
44 parking."

45 **SECTION 1.(d)** G.S. 160D-804(i) reads as rewritten:

46 "(i) Minimum Square Footage Exemption. – The regulation shall not set a minimum  
47 square footage of any structures subject to regulation under the North Carolina Residential Code  
48 ~~for One and Two Family Dwellings Code.~~"

49 **SECTION 1.(e)** G.S. 160D-1104 reads as rewritten:

50 **"§ 160D-1104. Duties and responsibilities.**

51 ...

1 (c) In performing the specific inspections required by the North Carolina Building Code,  
2 the inspector shall conduct all inspections requested by the permit holder for each scheduled  
3 inspection. For each requested inspection, the inspector shall inform the permit holder of  
4 instances in which the work inspected fails to meet the requirements of the North Carolina  
5 Residential Code for One and Two Family Dwellings Code or the North Carolina Building  
6 Code.

7 (d) Except as provided in G.S. 160D-1117 and G.S. 160D-1207, a local government may  
8 not adopt or enforce a local ordinance or resolution or any other policy that requires regular,  
9 routine inspections of buildings or structures constructed in compliance with the North Carolina  
10 Residential Code for One and Two Family Dwellings in addition to the specific inspections  
11 required by the North Carolina Building Code without first obtaining approval from the North  
12 Carolina Building Code Council. The North Carolina Building Code Council shall review all  
13 applications for additional inspections requested by a local government and shall, in a reasonable  
14 manner, approve or disapprove the additional inspections. This subsection does not limit the  
15 authority of the local government to require inspections upon unforeseen or unique circumstances  
16 that require immediate action. In performing the specific inspections required by the North  
17 Carolina Residential Building Code, the inspector shall conduct all inspections requested by the  
18 permit holder for each scheduled inspection. For each requested inspection, the inspector shall  
19 inform the permit holder of instances in which the work inspected is incomplete or otherwise  
20 fails to meet the requirements of the North Carolina Residential Code for One and Two Family  
21 Dwellings or the North Carolina Building Code. When a subsequent inspection is conducted to  
22 verify completion or correction of instances of Code noncompliance, any additional violations  
23 of the Code noted by the inspector on items already approved by the inspections department shall  
24 not delay the issuance of a temporary certificate of occupancy, and the inspections department  
25 shall not charge a fee for reinspection of those items.

26 ...."

27 **SECTION 1.(f)** G.S. 160D-1106 reads as rewritten:

28 "**§ 160D-1106. Alternate inspection method for component or element.**

29 (a) Notwithstanding the requirements of this Article, a local government shall accept and  
30 approve, without further responsibility to inspect, a design or other proposal for a component or  
31 element in the construction of buildings from an architect licensed under Chapter 83A of the  
32 General Statutes or professional engineer licensed under Chapter 89C of the General Statutes  
33 provided all of the following apply:

34 ...

35 (3) The licensed architect or licensed professional engineer under subdivision (2)  
36 of this subsection provides the local government with a signed written  
37 document certifying that the component or element of the building inspected  
38 under subdivision (2) of this subsection is in compliance with the North  
39 Carolina State Building Code or the North Carolina Residential Code for  
40 One and Two Family Dwellings Code. The certification required under this  
41 subdivision shall be provided by electronic or physical delivery, [and] its  
42 receipt shall be promptly acknowledged by the local government through  
43 reciprocal means. The certification shall be made on a form created by the  
44 North Carolina Building Code Council which shall include at least the  
45 following:

- 46 a. Permit number.
- 47 b. Date of inspection.
- 48 c. Type of inspection.
- 49 d. Contractor's name and license number.
- 50 e. Street address of the job location.



1 f. Name, address, and telephone number of the person responsible for  
2 the inspection.

3 ...

4 (c) With the exception of the requirements contained in subsection (a) of this section, no  
5 further certification by a licensed architect or licensed professional engineer is required for any  
6 component or element designed and sealed by a licensed architect or licensed professional  
7 engineer for the manufacturer of the component or element under the North Carolina State  
8 Building Code or the North Carolina Residential Code for One and Two Family  
9 Dwellings Code.

10 ...."

11 **SECTION 1.(g)** G.S. 160D-1109(b) reads as rewritten:

12 "(b) A member of the inspection department shall not be in violation of this section when  
13 the local government, its inspection department, or one of the inspectors accepted a signed written  
14 document of compliance with the North Carolina State Building Code or the North Carolina  
15 Residential Code for One and Two Family Dwellings from a licensed architect or licensed  
16 engineer in accordance with G.S. 160D-1104(d)."

17 **SECTION 1.(h)** G.S. 160D-1110(b) reads as rewritten:

18 "(b) A building permit shall be in writing and shall contain a provision that the work done  
19 shall comply with the North Carolina State Building Code and all other applicable State and local  
20 laws. Nothing in this section requires a local government to review and approve residential  
21 building plans submitted to the local government pursuant to the North Carolina Residential  
22 Code, provided that the local government may review and approve the residential building plans  
23 as it deems necessary. If a local government chooses to review residential building plans for any  
24 structures subject to regulation under the North Carolina Residential Code for One and  
25 Two Family Dwellings Code, all initial reviews for the building permit must be performed  
26 within 15 business days of submission of the plans. A local government shall not require  
27 residential building plans for one- and two-family dwellings to be sealed by a licensed engineer  
28 or licensed architect unless required by the North Carolina State Building Code. No building  
29 permits shall be issued unless the plans and specifications are identified by the name and address  
30 of the author thereof, and, if the General Statutes of North Carolina require that plans for certain  
31 types of work be prepared only by a licensed architect or licensed engineer, no building permit  
32 shall be issued unless the plans and specifications bear the North Carolina seal of a licensed  
33 architect or of a licensed engineer. When any provision of the General Statutes of North Carolina  
34 or of any ordinance or development or zoning regulation requires that work be done by a licensed  
35 specialty contractor of any kind, no building permit for the work shall be issued unless the work  
36 is to be performed by such a duly licensed contractor."

37 **SECTION 1.(i)** This section becomes effective January 1, 2025.

## 38 **MODIFY PERMIT EXEMPTIONS AND RESTRICTIONS**

39 **SECTION 2.(a)** G.S. 143-138(b5) reads as rewritten:

40 "(b5) Permit Exclusion for Certain Minor Activities. – No permit shall be required under  
41 the Code or any local variance thereof approved under subsection (e) for any construction,  
42 installation, repair, replacement, or alteration performed in accordance with the current edition  
43 of the North Carolina State Building Code and costing ~~twenty thousand dollars (\$20,000)~~ forty  
44 thousand dollars (\$40,000) or less in any single family residence, farm building, or commercial  
45 building unless the work involves any of the following:

46 (1) The addition, repair, or replacement of load bearing structures. However, no  
47 permit is required for replacements of windows, doors, exterior siding, or the  
48 pickets, railings, stair treads, and decking of porches and exterior decks that  
49 otherwise meet the requirements of this subsection.  
50

- 1 (2) The addition or change in the design of plumbing. However, no permit is  
2 required for replacements otherwise meeting the requirements of this  
3 subsection that do not change size or capacity.
- 4 (3) The addition, replacement or change in the design of heating, air conditioning,  
5 or electrical wiring, appliances, or equipment, other than a like-kind  
6 replacement of electrical devices and lighting fixtures.
- 7 (4) The use of materials not permitted by the North Carolina State Building Code.
- 8 (5) The addition (excluding replacement) of roofing.
- 9 (6) Any changes to which the North Carolina Fire ~~Prevention~~-Code applies."

10 **SECTION 2.(b)** G.S. 143-138(b21) reads as rewritten:

11 "(b21) Exclusion for Certain Minor Activities in Commercial Buildings and Structures. – No  
12 permit shall be required under the Code or any local variance thereof approved under subsection  
13 (e) of this section for any construction, installation, repair, replacement, or alteration performed  
14 in accordance with the current edition of the North Carolina State Building Code costing ~~twenty~~  
15 ~~thousand dollars (\$20,000)~~ forty thousand dollars (\$40,000) or less in any commercial building  
16 or structure unless the work involves any of the activities described in subdivisions (1) through  
17 (6) of subsection (b5) of this section. For the purpose of determining applicability of permit  
18 exclusions for a commercial building or structure under this subsection, subsection (b5) of this  
19 section, and G.S. 160D-1110(c), cost is the total cost of work, including all building addition,  
20 demolition, alteration, and repair work, occurring on the property within 12 consecutive months."

21 **SECTION 2.(c)** G.S. 160D-1110(c) reads as rewritten:

22 "(c) No permit issued under Article 9 or 9C of Chapter 143 of the General Statutes is  
23 required for any construction, installation, repair, replacement, or alteration performed in  
24 accordance with the current edition of the North Carolina State Building Code costing ~~twenty~~  
25 ~~thousand dollars (\$20,000)~~ forty thousand dollars (\$40,000) or less in any single-family  
26 residence, farm building, or commercial building unless the work involves any of the following:

- 27 (1) The addition, repair, or replacement of load-bearing structures. However, no  
28 permit is required for replacement of windows, doors, exterior siding, or the  
29 pickets, railings, stair treads, and decking of porches and exterior decks that  
30 otherwise meet the requirements of this subsection.
- 31 (2) The addition or change in the design of plumbing. However, no permit is  
32 required for replacements otherwise meeting the requirements of this  
33 subsection that do not change size or capacity.
- 34 (3) The addition, replacement, or change in the design of heating,  
35 air-conditioning, or electrical wiring, devices, appliances, or equipment, other  
36 than like-kind replacement of electrical devices and lighting fixtures.
- 37 (4) The use of materials not permitted by the North Carolina State Building Code.
- 38 (5) The addition (excluding replacement) of roofing."
- 39 (6) Any changes to which the North Carolina Fire ~~Prevention~~-Code applies."

40 **SECTION 2.(d)** G.S. 160D-1110(d) reads as rewritten:

41 "(d) A local government shall not ~~require~~ do any of the following:

- 42 (1) Require more than one building permit for the complete installation or  
43 replacement of any natural gas, propane gas, or electrical appliance on an  
44 existing structure when the installation or replacement is performed by a  
45 person licensed under G.S. 87-21 or G.S. 87-43. The cost of the building  
46 permit for such work shall not exceed the cost of any one individual trade  
47 permit issued by that local government, nor shall the local government  
48 increase the costs of any fees to offset the loss of revenue caused by this  
49 provision.

1           (2) Require more than one building permit for simultaneous projects at the time  
2           of the application located at the same address and subject to the North Carolina  
3           Residential Code."

4           **SECTION 2.(e)** This section is effective October 1, 2023, and applies to permit  
5 applications for construction, installation, repair, replacement, remodeling, renovation, or  
6 alteration projects submitted on or after that date.

## 7 8 **AUTHORIZE ALTERNATIVE PAVEMENT DESIGN STANDARDS FOR PRIVATE** 9 **ROADWAYS WITHIN DEVELOPMENTS**

10           **SECTION 3.(a)** G.S. 160D-804 is amended by adding a new subsection to read:

11           "(j) Private Roadway Pavement Design Standards. – The regulation shall not require  
12 roadway pavement design standards for new roadway construction that are more stringent than  
13 the minimum roadway pavement design standards adopted by the North Carolina Department of  
14 Transportation. Notwithstanding any regulation adopted by the local government, the local  
15 government must accept engineered pavement design standards that do not meet minimum  
16 standards required by the Department of Transportation if the proposed design standard is signed  
17 and sealed by a duly licensed professional engineer, under Chapter 89C of the General Statutes,  
18 and meets vehicular traffic and fire apparatus access requirements. This subsection applies to  
19 construction of new privately owned roads, driveways, parking lots and driving areas associated  
20 with parking lots, or streets within a new development or subdivision that the developer  
21 designates as private and that are intended to remain privately owned after construction. If the  
22 roadway is constructed to pavement design standards that do not meet minimum standards  
23 required by a regulation adopted by the local government, as authorized by this subsection, the  
24 developer must include disclosures to prospective buyers as outlined in G.S. 136-102.6(f) prior  
25 to entering into any agreement or any conveyance with any prospective buyer. A local  
26 government is discharged and released from any liabilities, duties, and responsibilities imposed  
27 by this Article, or in common law, from any claim arising out of, or attributed to, the plan review  
28 or acceptance of signed and sealed pavement design standards submitted pursuant to this  
29 subsection. Nothing in this section shall be interpreted to limit the authority of local governments  
30 or the Department of Transportation to regulate private roads, driveways, or street connections  
31 to a public system, or to regulate transportation and utilities, pursuant to subsection (c) of this  
32 section, or as otherwise authorized by law."

33           **SECTION 3.(b)** This section becomes effective October 1, 2023, and applies to  
34 permit applications submitted on or after that date.

## 35 36 **PROHIBIT EXTERIOR SHEATHING INSPECTIONS**

37           **SECTION 4.(a)** G.S. 143-138 is amended by adding a new subsection to read:

38           "(b23) Exterior Sheathing Inspections Prohibited. – The Code shall not require routine  
39 exterior sheathing inspections for structures or dwellings covered by the North Carolina Building  
40 Code or North Carolina Residential Code."

41           **SECTION 4.(b)** G.S. 160D-1104(d) reads as rewritten:

42           "(d) Except as provided in G.S. 160D-1117 and G.S. 160D-1207, a local government may  
43 not adopt or enforce a local ordinance or resolution or any other policy that requires regular,  
44 routine inspections of buildings or structures constructed in compliance with the North Carolina  
45 Residential Code for One- and Two-Family Dwellings in addition to the specific inspections  
46 required by the North Carolina Building Code without first obtaining approval from the North  
47 Carolina Building Code Council. A local government may not adopt or enforce a local ordinance  
48 or resolution or any other policy that requires routine exterior sheathing inspections for structures  
49 or dwellings covered by the North Carolina Building Code or North Carolina Residential Code.  
50 The North Carolina Building Code Council shall review all applications for additional  
51 inspections requested by a local government and shall, in a reasonable manner, approve or

1 disapprove the additional inspections. This subsection does not limit the authority of the local  
2 government to require inspections upon unforeseen or unique circumstances that require  
3 immediate action. In performing the specific inspections required by the North Carolina  
4 Residential Building Code, the inspector shall conduct all inspections requested by the permit  
5 holder for each scheduled inspection. For each requested inspection, the inspector shall inform  
6 the permit holder of instances in which the work inspected is incomplete or otherwise fails to  
7 meet the requirements of the North Carolina Residential Code for One- and Two-Family  
8 Dwellings or the North Carolina Building Code. When a subsequent inspection is conducted to  
9 verify completion or correction of instances of Code noncompliance, any additional violations  
10 of the Code noted by the inspector on items already approved by the inspections department shall  
11 not delay the issuance of a temporary certificate of occupancy, and the inspections department  
12 shall not charge a fee for reinspection of those items."

13 **SECTION 4.(c)** This section is effective when it becomes law and applies permit  
14 applications submitted on or after that date.

## 15 16 **MODIFY BUILDING CODE SUMMARY (APPENDIX B) REQUIREMENTS**

17 **SECTION 5.(a)** Definitions. – For purposes of this section: "Code" means the North  
18 Carolina State Building Code collection, and amendments to the Code, as adopted by the Council;  
19 "Appendix B Rules" means Sections 106.3.1 and 106.3.2, as amended by the Building Code  
20 Council on December 14, 2021, and approved by the Rules Review Commission on February 17,  
21 2022, effective January 1, 2023, within the North Carolina State Building Code: Administrative  
22 Code and Policies; and "Appendix B" means the Appendix B Building Code Summary for All  
23 Commercial Projects (Except 1 and 2-Family Dwellings and Townhouses) within the North  
24 Carolina State Building Code: Administrative Code and Policies. As used in this section,  
25 "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the  
26 Residential Code Council as created in Section 1 of this act.

27 **SECTION 5.(b)** Appendix B Rules Amendment. – Until the effective date of the  
28 rules to amend the Code that the Council is required to adopt pursuant to this section, the Council  
29 and local governments enforcing the Code shall follow the provisions of subsection (c) of this  
30 section as it relates to the Appendix B Rules and Appendix B.

31 **SECTION 5.(c)** Appendix B Rules Implementation. – Notwithstanding Appendix B  
32 Rules, a local government shall not require a permit applicant to complete Appendix B with a set  
33 of plans submitted for review.

34 **SECTION 5.(d)** Additional Rulemaking Authority. – The Council shall adopt rules  
35 to amend the Appendix B Rules and Appendix B to be consistent with subsection (c) of this  
36 section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Council pursuant to this  
37 section shall be substantively identical to the provisions of subsection (c) of this section. Rules  
38 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
39 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
40 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
41 G.S. 150B-21.3(b2).

42 **SECTION 5.(e)** Sunset. – This section expires when permanent rules adopted as  
43 required by subsection (d) of this section become effective.

## 44 45 **AMEND INSULATION REQUIREMENTS FOR UNVENTED ATTIC AND ENCLOSED** 46 **RAFTER ASSEMBLIES**

47 **SECTION 6.(a)** Definitions. – As used in this section, "Code" means the current  
48 North Carolina State Building Code collection, and amendments to the Code, as adopted by the  
49 Council. For purposes of this section and its implementation, "R402 Rules" means provisions  
50 and tables within Section 402, Building Thermal Envelope, North Carolina – Residential  
51 Provisions, of the North Carolina Energy Conversation Code. As used in this section, "Council"

1 means the Building Code Council. On or after January 1, 2025, "Council" means the Residential  
2 Code Council as created in Section 1 of this act.

3 **SECTION 6.(b)** R402 Rules Amendment. – The Council shall amend R402 Rules  
4 to include, as an optional alternative to residential ceiling insulation minimums, minimum  
5 insulation requirements for the use of air-impermeable insulation in unvented attic and unvented  
6 enclosed rafter assemblies. In developing this amendment, the Council shall include in that  
7 optional alternative that where R402 Rules require R-38 insulation in the ceiling, installing  
8 air-impermeable insulation, as follows, to the underside or directly above the roof deck shall be  
9 deemed to satisfy the R-38 requirements: (i) R-20 (equivalent U-factor 0.05) for climate zone 3;  
10 (ii) R-25 (equivalent U-factor 0.037) for climate zone 4; and (iii) R-25 (equivalent U-factor  
11 0.037) for climate zone 5. These air-impermeable insulation alternative R-value minimums apply  
12 in residences meeting the following criteria:

- 13 (1) The unvented attic or unvented enclosed rafter assemblies are constructed  
14 under Section R806.5 of the North Carolina Residential Code.
- 15 (2) The residence contains a mechanical ventilation system that operates on a  
16 positive, balanced, or hybrid pressure strategy.
- 17 (3) For residences with air-permeable insulation installed below the roof deck,  
18 exposed portions of the roof rafters are wrapped by a minimum of R-3  
19 insulation unless directly covered by drywall or finished ceiling material. For  
20 residences with air-permeable insulation installed above the roof deck, roof  
21 rafters do not require insulation wrapping if air-impermeable insulation  
22 installed above the roof deck is continuous.
- 23 (4) The residence obtains an ACH50 blower door test result of less than 3.0.
- 24 (5) The residence contains heating, cooling, and ventilation equipment and  
25 ductwork within thermal envelope.

26 **SECTION 6.(c)** Sunset. – This section expires when permanent rules adopted as  
27 required by subsection (b) of this section become effective.

## 29 **PROHIBIT FURTHER AMENDMENTS TO VARIOUS CHAPTERS WITHIN THE** 30 **NORTH CAROLINA RESIDENTIAL CODE**

31 **SECTION 7.(a)** Definitions. – As used in this section, "Council" means the Building  
32 Code Council.

33 **SECTION 7.(b)** The Council shall not adopt rules to amend the following Parts  
34 within the North Carolina State Building Code: Residential Code for One- and Two-Family  
35 Dwellings:

- 36 (1) Part V – Mechanical (Chapters 12 through 23).
- 37 (2) Part VI – Fuel Gas (Chapter 24).

38 **SECTION 7.(c)** This section is effective when it becomes law and applies  
39 retroactively to March 1, 2023.

40 **SECTION 7.(d)** Sunset. – This section expires on the effective date of the 2024  
41 North Carolina State Building Code: Residential Code for One- and Two-Family dwellings, as  
42 adopted by the Council and approved by the Rules Review Commission.

## 44 **PROHIBIT FURTHER ENERGY CONSERVATION AND EFFICIENCY** 45 **AMENDMENTS TO THE NORTH CAROLINA STATE BUILDING CODE UNTIL 2031**

46 **SECTION 8.(a)** Definitions. – As used in this section, "Code" means the current  
47 North Carolina State Building Code collection and amendments to the Code, as adopted by the  
48 Council. As used in this section, "Council" means the Building Code Council. On or after January  
49 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act.

50 **SECTION 8.(b)** Notwithstanding G.S. 143-138, the Council shall not: (i) adopt rules  
51 to amend Part IV – Energy Conservation (Chapter 11) within the North Carolina State Building

1 Code: Residential Code for One- and Two-Family dwellings; or (ii) prepare and adopt a new  
2 code provision, or any part of the Code, that relates to energy conservation or efficiency of  
3 buildings, dwellings, and structures to which the North Carolina State Residential Code applies.

4 **SECTION 8.(c)** This section is effective when it becomes law and applies  
5 retroactively to March 1, 2023.

6 **SECTION 8.(d)** Sunset. – This section expires January 1, 2031.  
7

## 8 **AMEND THE RESIDENTIAL CODE TO INCLUDE THREE-AND FOUR-FAMILY** 9 **DWELLINGS**

10 **SECTION 9.(a)** Definitions. – As used in this section, "Code" means the current  
11 North Carolina State Building Code collection and amendments to the Code, as adopted by the  
12 Council. As used in this section, "Council" means the Building Code Council. On or after January  
13 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act.

14 **SECTION 9.(b)** The Council shall adopt rules to amend the North Carolina  
15 Residential Code to include three-family (triplex) and four-family (quadplex) dwellings within  
16 its scope by modifying, transitioning, and establishing minimum prescriptive requirements to  
17 address the design and construction of those dwellings and make conforming changes to the Code  
18 in accordance with this section. In amending rules pursuant to this subsection, the Council shall  
19 not require greater than a 2-hour fire resistance rating for triplex and quadplex wall, floor, and  
20 ceiling separation assemblies or require automatic fire sprinkler systems within the North  
21 Carolina Residential Code.

22 **SECTION 9.(c)** Sunset. – This section expires when the permanent rules adopted as  
23 required by subsection (b) of this section become effective.

24 **SECTION 9.(d)** This section is effective when it becomes law.  
25

## 26 **CLARIFY FEE CALCULATION FOR EROSION AND SEDIMENTATION CONTROL** 27 **PLAN REVIEW**

28 **SECTION 10.** G.S. 113A-60(a) reads as rewritten:

29 **"§ 113A-60. Local erosion and sedimentation control programs.**

30 (a) A local government may submit to the Commission for its approval an erosion and  
31 sedimentation control program for its jurisdiction and may adopt ordinances and regulations  
32 necessary to establish and enforce erosion and sedimentation control programs. An ordinance  
33 adopted by a local government may establish a fee for the review of an erosion and sedimentation  
34 control plan and related activities. The fee shall ~~be calculated on the basis of either be, on the~~  
35 option of the applicant, either (i) calculated on the basis of the number of acres ~~disturbed or~~  
36 disturbed or (ii) no more than one hundred dollars (\$100.00) per lot developed in the case of a  
37 single-family lot in a residential development or that is less than one acre, including such a lot  
38 that is part of a larger common plan of development that is less than one acre set at no more than  
39 one hundred dollars (\$100.00) per lot developed. development. Local governments are  
40 authorized to create or designate agencies or subdivisions of local government to administer and  
41 enforce the programs. Except as otherwise provided in this Article, an ordinance adopted by a  
42 local government shall at least meet and may exceed the minimum requirements of this Article  
43 and the rules adopted pursuant to this Article."  
44

## 45 **DIRECT DEQ TO SEEK APPROVAL FROM USEPA TO STREAMLINE** 46 **IMPLEMENTATION OF REQUIREMENTS OF THE SEDIMENTATION** 47 **POLLUTION CONTROL ACT AND FEDERAL REQUIREMENTS FOR** 48 **STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES**

49 **SECTION 11.** No later than September 1, 2023, the Department of Environmental  
50 Quality shall develop a plan for submittal to USEPA that eliminates any program redundancies  
51 between the State's Sedimentation Pollution Control Act of 1973 (Act), and its implementation

1 of requirements for stormwater discharges from construction activities set forth under the 2022  
2 Clean Water Act National Pollution Discharge Elimination System (NPDES) general permit for  
3 stormwater discharges from construction activities (Construction Permit), 87 Federal Register  
4 3522, through NPDES General Permit NCG010000 (NCG01). Specifically, the plan shall include  
5 measures to streamline permitting requirements to ensure persons conducting land-disturbing  
6 activity are required to apply for one permit addressing all federal, State, and local requirements,  
7 and, if applicable, that permit may be issued by a local government with delegated authority to  
8 operate a local program in order to eliminate (i) unnecessary costs to, and duplication of efforts  
9 by, persons initiating land-disturbing activities, (ii) unnecessary delays in project development,  
10 and (iii) inefficient use of Department personnel and staff of local governments that administer  
11 delegated erosion and sedimentation control programs. The Department shall report to the  
12 Environmental Review Commission on the status of their activities pursuant to this section  
13 quarterly, beginning August 1, 2024, until such time as the General Assembly repeals this  
14 reporting requirement.

## 15 16 **COUNTY FORCED SEWER CONNECTION LIMITATION**

17 **SECTION 12.** G.S. 153A-284 reads as rewritten:

### 18 **"§ 153A-284. Power to require connections.**

19 (a) A county may require the owner of developed property on which there are situated  
20 one or more residential dwelling units or commercial establishments located so as to be served  
21 by a water line or sewer collection line owned, leased as lessee, or operated by the county or on  
22 behalf of the county to connect the owner's premises with the water or sewer line and may fix  
23 charges for these connections. A county may only require connection of an owner's premises to  
24 a sewer line, however, if the county has adequate capacity to transport and treat the proposed  
25 new wastewater from the premises at the time of connection.

26 ...."

## 27 28 **PROHIBIT LOCAL GOVERNMENTS FROM REQUIRING PAYMENTS FROM** 29 **OWNERS OF STORMWATER CONTROL SYSTEMS FOR FUTURE MAINTENANCE** 30 **OR REPLACEMENT COSTS OF A SYSTEM**

31 **SECTION 13.(a)** G.S. 160D-925 reads as rewritten:

### 32 **"§ 160D-925. Stormwater control.**

33 ...

34 (d) A local government that holds an NPDES permit issued pursuant to G.S. 143-214.7  
35 may adopt a regulation, applicable within its planning and development regulation jurisdiction,  
36 to establish the stormwater control program necessary for the local government to comply with  
37 the permit. A local government may adopt a regulation that bans illicit discharges within its  
38 planning and development regulation jurisdiction. A local government may adopt a regulation,  
39 applicable within its planning and development regulation jurisdiction, that ~~requires (i) deed~~  
40 requires deed restrictions and protective covenants to ensure that each project, including the  
41 stormwater management system, will be maintained so as to protect water quality and control  
42 water quantity and (ii) financial arrangements to ensure that adequate funds are available for the  
43 maintenance and replacement costs of the project.

44 (d1) A local government is prohibited from adopting any regulation that requires an owner  
45 of a privately owned and maintained stormwater control project to make payments to the local  
46 government for the purpose of ensuring assets are available for maintenance, repair, replacement,  
47 and reconstruction costs of (i) the owner's stormwater control project or (ii) other stormwater  
48 control projects within the local government's jurisdiction. A local government may, however,  
49 require an owner of a privately owned and maintained stormwater control project to establish and  
50 retain funds for maintenance, repair, replacement, and reconstruction costs for the owner's

1 stormwater control project, which shall not exceed ten percent (10%) of the stormwater control  
2 project's original cost of construction and shall be retained by the owner of the system.

3 ...."

4 **SECTION 13.(b)** If, prior to the effective date of G.S. 160D-925(d1), as enacted by  
5 Section 13(a) of this act, a local government has required an owner of a privately owned and  
6 maintained stormwater control project to make payments to the local government for the purpose  
7 of ensuring assets are available for maintenance, repair, replacement, and reconstruction costs of  
8 the owner's stormwater control project or other stormwater control projects within the local  
9 government's jurisdiction, in accordance with G.S. 160D-925(d1), as enacted by Section 13(a) of  
10 this act, the local government shall make such funds accessible to the owner to cover necessary  
11 maintenance, repair, replacement, and reconstruction costs for the owner's stormwater control  
12 project. For stormwater control projects in residential communities, in the event maintenance,  
13 repair, replacement or reconstruction of a project is needed, such funds shall be exhausted before  
14 the local government may assess costs of the necessary work on individual homeowners within  
15 the community, or any applicable owner's association.

16  
17 **SEVERABILITY CLAUSE**

18 **SECTION 14.** If any section or provision of this act is declared unconstitutional or  
19 invalid by the courts, it does not affect the validity of this act as a whole or any part other than  
20 the part declared to be unconstitutional or invalid.

21  
22 **EFFECTIVE DATE**

23 **SECTION 15.** Except as otherwise provided, this act is effective when it becomes  
24 law.