



North Carolina Building Code Council

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Building Code Council

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(Public Representative)

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MEMORANDUM

TO: NORTH CAROLINA DEPARTMENT OF INSURANCE

FROM: NORTH CAROLINA BUILDING CODE COUNCIL

DATE: DECEMBER 12, 2023

RE: RECOMMENDATIONS FOR LEGISLATIVE CHANGES TO IMPLEMENT REORGANIZATION OF THE BUILDING CODE COUNCIL (N.C. SESS. L. 2023-108, § 1A)

Section 1A of N.C. Sess. L. 2023-108 charges the North Carolina Department of Insurance – “in consultation with the Building Code Council” – with providing a report to the chair of the House Local Government – Land Use, Planning and Development Committee, the chair of the Senate State and Local Government Committee, and the Joint Legislative Commission on Governmental Operations providing “recommendations for legislative changes necessary to implement the reorganization of the Building Code Council, the creation of the Residential Code Council, and clarifications of statutory references to the North Carolina State Building Code, and its volumes, under Section 1 of this Act” by January 31, 2024.

BCC RECOMMENDATIONS

The North Carolina Building Code Council believes that the following items need to be addressed legislatively to ensure a smooth transition from one Building Code Council to two, to reduce redundancy and burden in the public process while maintaining the suite of building codes and, most importantly, to benefit the construction industry and public at large:

- 1) **Clarify the authority of the Building Code Council (BCC) and the new Residential Code Council (RCC) to revise, amend, repeal, or replace the technical codes and the jurisdiction to hear appeals between the two Councils:** It would be arduous for the public to be required to participate in two parallel processes to update or appeal a singular code provision. To accomplish this, the BCC recommends:
 - i) That N.C. Gen. Stat. § 143-136.1(d) be revised to clarify that the RCC has the authority to revise and amend the North Carolina Residential Code and associated chapters, so that both Councils will not be revising and amending the same code volumes. Assign specific code volume responsibilities to the BCC and RCC by amending N.C. Gen. Stat. § 143-138(a). We recommend administrative provisions from the North Carolina Administrative Code and Policies be added in the North Carolina Residential Code through the permanent rule making process.
 - ii) That Section 1.(r) of N.C. Sess. L. 2023-108 be revised to allow for the appointment of RCC members prior to January 1, 2025. This will allow the industry to commence the disentanglement of commercial and residential provisions prior to the next six-year residential code update, effective January 1, 2031.
 - iii) This would allow the RCC to remove references to commercial provisions within the North Carolina Residential Code, clarifying the separate appeal jurisdictions of the two Councils.
- 2) **Allow periodic revisions or amendments to the North Carolina Residential Code outside of the 6-year code update cycle by revising N.C. Gen. Stat. § 143-138(d):**
 - i) Allow time to decouple the code volumes to ensure that the RCC and BCC have the ability to amend their respective codes through the permanent rule making process. In particular, the “only every six years” limitation on revisions and amendments in 143-138(d) should be clarified or deleted.
 - ii) Service code provisions that currently overlap. As the codes diverge to be more specifically applicable to either residential or commercial construction, it is important to allow periodic revisions to the North Carolina Residential Code that are limited to overlapping conflicts so as to properly assign RCC and BCC code volume responsibilities.
 - iii) Safety updates. Specifically grant authority to make periodic revisions for safety concerns as they arise.
- 3) **Update BCC membership and committee structure:**
 - i) Remove commercial super committee by repealing N.C. Gen. Stat. § 143-136(d).
 - ii) Replace coastal residential contractor member (N.C. Gen. Stat. § 143-136(a)(4)) with multifamily builder member that has experience working with commercial code requirements.
 - iii) Provide overlap between Councils by appointing same residential contractor to BCC (N.C. Gen. Stat. § 143-136(a)(3)) and RCC (N.C. Gen. Stat. § 143-136.1(a)(1), (2), (5), (6) or (13)) for communication and coordination.

Thank you for your consideration.