



APPENDIX C
CODE CHANGE PROPOSAL
NORTH CAROLINA
BUILDING CODE COUNCIL

B-1

1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
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Granted by BCC _____ Adopted by BCC _____ Petition for Rule Making Item Number _____
Denied by BCC _____ Disapproved by BCC _____ Approved by RRC _____
Objection by RRC _____

PROPONENT: Tammy Pratt PHONE: (828) 768-0045
REPRESENTING: Family Child Care Homes of North Carolina
ADDRESS: 10 Wilson Lane
CITY: Fletcher STATE: NC ZIP: 28732
E-MAIL: tammyannpratt@gmail.com FAX: (_____) _____

2024 NC Building Code 310.4 Residential Group R-3 and 2024 NC Fire Code 203.10.3
Residential Group R-3

CHECK ONE: Revise section to read as follows: Delete section and substitute the following:
 Add new section to read as follows: Delete section without substitution:

~~LINE THROUGH MATERIAL TO BE DELETED~~ UNDERLINE MATERIAL TO BE ADDED

Please type. Continue proposal or reason on plain paper attached to this form. See reverse side for instructions.
2024 NCBC:

310.4 Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

....

~~Child day care facilities that provide accommodations meeting one of the following criteria: for eight or fewer persons with no more than five for a preschool for less than 24 hours.~~

....

310.4.3 Family Child Care Home. A licensed family child care home meeting the criteria outlined in N.C.G.S. 110-86 (3)b and having a capacity that does not exceed the limits prescribed in N.C.G.S. 110-91 (7)b shall be classified as Group R-3 occupancy and shall comply with Section 431.

....

2024 NCFC:

203.10.3 Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

....

~~Child day care facilities that provide accommodations meeting one of the following criteria: for eight or fewer persons with no more than five for a preschool for less than 24 hours:~~

....

203.10.3.3 Family Child Care Home. A licensed family child care home meeting the criteria outlined in N.C.G.S. 110-86 (3)b and having a capacity that does not exceed the limits prescribed in N.C.G.S. 110-91 (7)b shall be classified as Group R-3 occupancy and shall comply with Section 431 of the International Building Code.

Will this proposal change the cost of construction? Decrease [] Increase [] No [X]
Will this proposal increase to the cost of a dwelling by \$80 or more? Yes [] No [X]
Will this proposal affect the Local or State funds? Local [] State [] No [X]
Will this proposal cause a substantial economic impact (≥\$1,000,000)? Yes [X] No []

- Non-Substantial – Provide an economic analysis including benefit/cost estimates.
- Substantial – The economic analysis must also include 2-alternatives, time value of money and risk analysis.
- Pursuant to §143-138(a1)(2) a cost-benefit analysis is required for all proposed amendments to the NC Energy Conservation Code. The Building Code Council shall also require same for the NC Residential Code, Chapter 11.

REASON:

REASON:This amendment is proposed to change the 2024 NC Building Code 310.4 to fall in line with the law change NC General Statute 110-91 7(b) regarding Family Child Care Home ratios .

In order to increase our numbers, most Family Child Care Homes are unable to become Centers in Residences, which fall under the R-4 guidelines, because the structural changes that would be required to our homes are many times not possible as well as cost prohibitive. After expressing this to the Legislative Branch they passed a law to enable FCCHs to take up to 10 children depending on age instead of the maximum of 8 that was previously allowed. Implementing this code change would make the R-3 building code fall in line with the new law and the intent of the Legislature to help alleviate the child care crisis that North Carolina is experiencing.

Family Child Care Homes offer a high quality, safe learning environment as an option for children birth through 5 as well as after-school care. We follow all of the safety guidelines that centers do. We conduct fire drills, safety inspections, Emergency preparedness planning and shelter in place drills. Adding an additional 2 children to our numbers will not pose a safety risk. We are, however, worried because many desperate families are turning to unlicensed homes to find care for their children where there are zero regulations and sometimes as many as 20 children in care. A 2021-2022 North Carolina Infant-Toddler Child Care Landscape Study shows only 27% of Infants and Toddlers with working parents have space available for them in licensed facilities. Making this code change will result in immediate quality openings in Licensed Family Child Care Homes.

A fiscal note is provided with this petition.

CHANGES

BCC CODE

Signature:  Date: 5/29/24 FORM 11/26/19

INSTRUCTIONS

Each proposed Code change request shall comply with the following policies:

Rule 1: The Original and twenty-two (22) copies of the proposed Petition for Rule-Making along with supporting documentation shall be filed with the Building Code Council Secretary. Submit one (1) electronic copy via email.

Rule 2: The filing shall be received by the first day of the month prior to the quarterly scheduled meeting date. Example: A December meeting date will require filing by November 1 prior to the meeting.

Rule 3: Each request shall be typewritten on this form and shall contain the following:

- (1) The proposed rule change must be set forth in full and contain explicit reference to the affected section or sections of the Code.
- (2) The request shall state the reasons for the proposed rule change with supporting documentation.
- (3) The proposed rule change shall comply with the standards set forth in GS 143-138(c) and reference to the particular standards shall be set forth in the request for the amendment.
- (4) The proposed rule change shall contain an economic impact analysis as required by GS 143-138(a).
- (5) A proposed rule change to the NC Energy Conservation Code shall have an accompanying cost-benefit analysis as required by GS 143-138(a1)(2).

Rule 4: When a request is improperly filed or not in accordance with all the rules listed above, the BCC Secretary shall reject the submittal and notify the applicant of the proper procedure to follow.

Rule 5: Upon the proper filing of a request, the BCC Secretary shall forward one copy of said request to each council member prior to the scheduled meeting date. Persons filing proposed petitions are hereby notified of the place and time of the scheduled hearings. The BCC Secretary shall cause to be published the notice of public hearing as specified in GS 143-138(a).

Rule 6: The Council shall either Grant or Deny the proposed Petition for Rulemaking at the meeting following receipt of the proposed rule change. The Council will take no further action on items that are Denied. Granted items may be referred to Committee for review.

Rule 7: The Council will hold a public hearing on Granted items at the next quarterly scheduled meeting. The Council will take final action on Granted items at the next quarterly scheduled meeting after the public hearing.

Timeline Example

Petition received:	February 1
Petition Granted:	March BCC meeting
Notice of Hearing published:	April NC Register
Committee review:	May - June
Hearing held:	June BCC meeting
Final Adoption:	September BCC meeting
Rules Review Meeting:	November RRC meeting
Approved:	December 1