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House Bill 201 Impact to the Application of the 2018 NC Energy Conservation Code

Code: 2018 NC Energy Conservation Code
Section: C501.1.1, C502.1, C503.1

Date: 10/8/2018

Question:

How does House Bill 201 impact the application of the 2018 NC Energy Conservation Code requirements?

Answer:

House Bill 201 allows an alternate path for energy conservation code compliance for alterations and/or additions to certain existing buildings and structures not classified as Group R occupancy and having received a certificate of occupancy prior to January 1, 2012 allowing the use of the provisions of the 2009 NC Energy Conservation Code in lieu of the provisions of the 2018 NC Energy Conservation Code. The applicable energy conservation provisions of the legislation are identified below and are followed by a more detailed discussion of the application of the provisions.

HB 201 Building Reutilization for Economic Development Act

A BILL ENTITLED:

AN ACT TO AMEND THE APPLICABILITY OF THE ENERGY CONSERVATION CODE TO CERTAIN EXISTING NONRESIDENTIAL BUILDINGS, TO CLARIFY STORMWATER PROGRAM IMPERVIOUS SURFACE CALCULATIONS FOR REDEVELOPMENT, TO CREATE AN EXEMPTION FROM THE NORTH CAROLINA ENVIRONMENTAL PROTECTION ACT FOR THE REOCCUPATION OF AN EXISTING BUILDING OR FACILITY, AND TO AMEND THE STATUTE GOVERNING THE DEPARTMENT OF COMMERCE RURAL ECONOMIC DEVELOPMENT DIVISION.

The General Assembly of North Carolina enacted in part:

PART I. APPLICABILITY OF THE ENERGY CONSERVATION CODE TO CERTAIN EXISTING NONRESIDENTIAL BUILDINGS

SECTION 1. G.S. 143-138 is amended by adding a new subsection to read:

"(b15) Exclusion from Energy Code Requirements for Existing Commercial Buildings. – The alteration of commercial buildings and structures that received a certificate of occupancy prior to January 1, 2012, may be subject to the rules pertaining to energy efficiency and energy conservation

that were in effect on December 31, 2011. The addition to commercial buildings and structures that received a certificate of occupancy prior to January 1, 2012, may be subject to the rules pertaining to energy efficiency and energy conservation that were in effect on December 31, 2011, so long as the addition does not increase the building area of the existing commercial building or structure to more than one hundred fifty percent (150%) of the building area of the commercial building or structure as it was in existence on December 31, 2011. For the purpose of this subsection, the term "commercial buildings and structures" shall include all structures and buildings that are not classified as a Group R occupancy by the Building Code Council."

And the bill contains additional parts not included above since they have no additional bearing on the requirements of the energy conservation code.

Detailed Discussion of the Energy Conservation Provisions

With respect to Part I, Section 1, the legislation allows the permit holder a choice to select either the 2018 NC Energy Conservation Code (2018 NCECC) or the 2009 NC Energy Conservation Code (2009 NCECC) for the applicable energy conservation requirements for projects involving existing buildings and structures that are included within the scope identified in the legislation and also subject to the time constraints identified therein.

The legislation allows the permit holder a choice to apply as an alternative to the 2018 NCECC the energy conservation provisions of the 2009 NCECC for the included scope within the bill given that the certificate of occupancy for the subject existing building and structure was received prior to January 1, 2012. Existing buildings and structures that received a certificate of occupancy on or after January 1, 2012 are always subject to the requirements of the 2018 NC Energy Conservation Code.

With respect to occupancy classification, the scope of this bill does not apply to the inclusion of any "Residential Group R" occupancy as defined in the 2018 NC Building Code, Section 310. All Residential Group R Occupancy classifications are subject to the requirements of the 2018 NC Energy Conservation Code or the 2018 NC Residential Code, as applicable. Then, with respect to Group R occupancy classification, new buildings and structures, alterations to existing buildings and structures, and additions to existing buildings and structures of this occupancy classification are always subject to the requirements of the 2018 NC Energy Conservation Code and the 2018 NC Residential Code, as applicable.

With respect to existing buildings and structures that are not classified as "Residential Group R" occupancy, the bill contains provisions that are applicable to certain alterations to existing buildings and structures and certain additions to existing buildings and structures subject to the time constraints associated with the existing building certificate of occupancy award date.

Given the certificate of occupancy was issued prior to January 1, 2012, alterations to existing buildings and structures that are not Group R occupancy classification are subject to the energy conservation requirements of either the 2009 NCECC or the 2018 NCECC, as elected by the permit holder.

Given the certificate of occupancy was issued prior to January 1, 2012, additions to existing buildings and structures that are not Group R occupancy classification and that do not increase the building area of the existing building or structure to more than one hundred fifty percent (150%) of the building area of the building or structure as it was in existence on December 31, 2011 are subject to the energy conservation requirements of either the 2009 NCECC or the 2018 NCECC, as elected by the permit holder.

The 2009 NC Energy Conservation Code and the 2018 NC Energy Conservation Code contain definitions for “commercial building” and “residential building” which differs from the Group R occupancy classification that is contained within the 2018 NC Building Code. With respect to the scoping provisions of the legislation, the residential occupancy classification is as defined in the 2018 NC Building Code, Section 310. Discussions during the bill’s development identified that the bill was not targeted to have effect on any Residential Group R occupancy classification as identified in the 2018 NC Building Code, section 310.

Keywords: