



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

November 28, 2022

Mr. Jason Everage
Chief Building Official
Fayetteville NC Development Services
433 Hay Street
Fayetteville, NC 28301

RE: 2018 NC Administrative Code Section 106.1 Permit required.

Mr. Everage:

This letter is in response to your October 27, 2022, email request for a formal interpretation that NCDOI received the same day. Your request for formal interpretation states in relevant part:

“Question 1: If a contractor is replacing a HVAC appliance and ductwork or any other equipment as defined by code, does NCGS §160D-1110(d) apply?

Question 2: If a contractor is replacing a HVAC appliance and adding or modifying electrical wiring does NCGS §160D-1110(d) apply?

Question 3: Are property owners included as the statute specifically calls out North Carolina licensed HVAC, plumbing, and electrical contractors?”

Remarks:

Code sections noted in this letter are referring to the 2018 edition of the NC Administrative Code unless otherwise noted.

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

Code Analysis:

Based on the statutes and Code provisions below, a permit is required for the installation, extension, alteration or general repair of any heating or cooling equipment system, including adding or modifying associated electrical wiring.

106.1 Permit required. A current permit is required for all work described in the technical codes unless specifically exempted by the North Carolina General Statutes or the technical codes.

Commentary: Reference North Carolina General Statute 160D-1110 for exemptions.

§ 160D-1110. Building permits.

(a) Except as provided in subsection (c) of this section, no person shall commence or proceed with any of the following without first securing all permits required by the State Building Code and any other State or local laws applicable to any of the following activities:

...

(3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.

(4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, except that in any one- or two-family dwelling unit a permit is not required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced if all of the following requirements are met:

- a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.
- b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.
- c. The work is performed by a person licensed under G.S. 87-43.
- d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

....

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

...

(3) The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.

Based on the statute below, a local government shall not require more than one building permit for the complete installation or replacement of any natural gas, propane gas or electric appliance on an existing structure when the installation is performed by a licensed plumbing and heating or electrical contractor.

§ 160D-1110. Building permits.

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

Conclusions: A permit is required if any person is replacing an HVAC appliance and ductwork, including adding or modifying associated electrical wiring. If the HVAC appliance and ductwork replacement, including adding or modifying associated electrical wiring is performed by a licensed heating and electrical contractor, the local government shall not require more than one building permit. If the HVAC appliance and ductwork replacement, including adding or modifying associated electrical wiring is performed by the property owner, and that property owner is not a licensed heating and electrical contractor, the local government is not prohibited from requiring separate mechanical and electrical permits.

Please call or email if you have comments or questions.

Sincerely,

A handwritten signature in black ink that reads "D.B. Rittlinger". The signature is written in a cursive, flowing style.

David B. Rittlinger, PE, LEED AP
Chief Code Consultant
NCDOT-OSFM Engineering & Codes Division

cc: File
Bridget Herring, Chair – BCC and Chair, Administration -BCC
Mark Matheny, Vice-Chair - BCC
Michael Ali, Chair, Commercial Super Committee – BCC
Gary Embler, Chair, Residential Super Committee - BCC
Terence Friedman, Assistant Attorney General, Insurance Section - NCDOJ

ATTACHMENT A



To: David Rittlinger

david.rittlinger@ncdoi.gov
Office of State Fire Marshal
Engineering & Codes
1202 Mail Service Center
Raleigh, NC 27699-1202

From: Jason Everage

Chief Building Official
433 Hay Street
Fayetteville, NC
28301
JasonEverage@FayettevilleNC.Gov

Cc: Terence Friedman
North Carolina Department of Justice

Request for formal interpretation.

2018 North Carolina Administrative Code and Policies section 106.1:

106.1 Permit required.

A current permit is required for all work described in the technical codes unless specifically exempted by the North Carolina General Statutes or the technical codes.

North Carolina General Statute §160D-1110(d):

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

Code References:

- 2018 North Carolina Fuel/ Gas Code Chapter 2:
 - Appliance: *Any apparatus or device that utilizes a fuel or raw material to produce light, heat, power, refrigeration or air conditioning.*
 - Equipment: *Apparatus and devices other than appliances.*
- 2018 North Carolina Mechanical Code Chapter 2:
 - Appliance: *A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.*
 - Equipment: *All piping, ducts, vents, control devices and other components of systems other than appliances which are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this code.*

Question 1:

- If a contractor is replacing a HVAC appliance and ductwork or any other equipment as defined by code, does NCGS §160D-1110(d) apply?

Question 2:

- If a contractor is replacing a HVAC appliance and adding or modifying electrical wiring does NCGS §160D-1110(d) apply?

Question 3:

- Are property owners included as the statute specifically calls out North Carolina licensed HVAC, plumbing, and electrical contractors?

RE: [External] Request for formal Interpretation



Rittlinger, David B
To: Jason Everage
Cc: Lachelle H. Pulliam; Friedman, Terence D

Reply Reply All Forward
Fri 10/28/2022 10:51 AM

Jason,
Good morning.
I hope you are well.
I am receipt of your request for formal interpretation.
Our office will provide a formal interpretation letter to you as soon as possible within the next 30 days.
Thank you.

David B. Rittlinger, PE, LEED AP
Code Interpretations Supervisor
Chief Code Consultant
Chief Mechanical & Fuel Gas Code Consultant
Engineering Division



N.C. Department of Insurance
Office of State Fire Marshal
1000 Mail Service Center
Raleigh, NC 27699-1000
919.437.0008

david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes
<https://codes.iccsafe.org/codes/north-carolina>

From: Jason Everage <jason.everage@fayettevillenc.gov>
Sent: Thursday, October 27, 2022 10:46 AM
To: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>; Friedman, Terence D <Friedman@ncdoi.gov>
Subject: [External] Request for formal Interpretation

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](mailto:Report.Spam).

Mr. Rittlinger,
Please see attached for a request for formal interpretation. Please let me know if there are any further steps that are needed.



Jason Everage
Chief Building Official
433 Hay Street
Fayetteville, North Carolina 28301
Web Address: <https://www.fayettevilenc.gov/city-services/development-services/permitting-inspections>