



ENGINEERING

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

October 10, 2023

Cliff Isaac, P.E.
Director of Codes and Construction
North Carolina Home Builders Association
P.O. BOX 99090
Raleigh, NC 27624-9090

RE: N.C.G.S. 160D-1110(b)

Mr. Isaac:

This letter is in response to your request for formal interpretation to the Office of State Fire Marshal ("OSFM") dated September 15, 2023, which NCDOI received by email the same day.

Your letter states in relevant part:

"I am writing to request a formal letter of interpretation in accordance with NCAC, Section 203.2.1.2 (N.C.G.S. 143-138.1) concerning the fifteen business day plan review. Per N.C.G.S. 160D-1110(b),"... If a local government chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings, all initial reviews for the building permit must be performed within 15 business days of submission of the plans."

It has come to our attention that some jurisdictions wait to perform the initial review until other departments, such as environment health, erosion control, engineering, etc. have completed and approved the given project. The intent of the statute is that the 15 days begins when the plans are submitted. Providing the initial plan review while other departments perform their work will give permit holders the ability to make relevant changes to the plans. Clarification on when the initial plan review is to be performed would be helpful."

Remarks:

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

OFFICE OF STATE FIRE MARSHAL

1202 MAIL SERVICE CENTER | RALEIGH, NC 27699-1202 | WWW.NCDOI.COM/OSFM

N.C.G.S. 160D-1110 (b) as modified per Session Law 2023-108 on 8/16/23:

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

....

Conclusions:

In the process of an application for building permits, the initial plan review for compliance with the North Carolina Residential Code must be performed by the local jurisdiction within 15-business days of submission to the local jurisdiction as per N.C.G.S. 160D-1110 (b). This law does not extend the 15-business day initial review deadline pending review and approval of other regulatory requirements applicable to the proposed project. The initial review comments made by the local jurisdiction for compliance with the North Carolina Residential Code may include comments and requests for additional information for compliance with any other regulatory requirements as applicable to the proposed project.

Sincerely,



David B. Rittlinger, PE, LEED AP
(Interim) Deputy Commissioner of Engineering and Chief Code Consultant
NCDOT-OSFM Engineering & Codes Division

cc: Bridget Herring, Chair – BCC
 Mark Matheny, Vice-Chair – BCC
 Rob Howard, Chair, Residential Super Committee - BCC
 Nathan Childs, Esq., NCDOT, counsel for NC Building Code Council, nchilds@ncdot.gov

ATTACHMENT A



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September 15, 2023

Mr. David Rittlinger, PE
North Carolina Department of Insurance
Office of State Fire Marshal
Engineering & Codes
1202 Mail Service Center
Raleigh, NC 27699-1202

Dear Mr. Rittlinger:

I am writing to request a formal letter of interpretation in accordance with NCAC, Section 203.2.1.2 (N.C.G.S. 143-138.1) concerning the fifteen business day plan review.

Per N.C.G.S. 160D-1110(b), "... If a local government chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings, all initial reviews for the building permit must be performed within 15 business days of submission of the plans."

It has come to our attention that some jurisdictions wait to perform the initial review until other departments, such as environment health, erosion control, engineering, etc. have completed and approved the given project. The intent of the statute is that the 15 days begins when the plans are submitted. Providing the initial plan review while other departments perform their work will give permit holders the ability to make relevant changes to the plans. Clarification on when the initial plan review is to be performed would be helpful.

If you have any questions feel free to contact me at 919-676-9090. Thank you in advance for your assistance in this matter.

Sincerely,

Cliff Isaac, PE
Director of Codes and Construction

*EUGENE A. GULLEDGE (1964)
C. PHIL ROBINSON, JR. (1965-66)
*CARL W. JOHNSON (1967)
*JOHN CROSLAND, JR. (1968)
*J.M. DAUGHTRIDGE (1969)
*HOMER BARRETT (1970)
*JAMES W. LESTER (1971)
CHARLES C. McLAURIN (1972)
*J. VAUGHN KLUTTS (1973)
*C. L. REAVIS (1974)
*Deceased

*JOHN T. BELL (1975)
*WILLIAM T. BOYD (1976)
LARRY HAMBRICK (1977)
*J. RAY SPARROW (1978)
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CHARLES MULLEN (1994)

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