

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-372
SENATE BILL 633**

**AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR
REHABILITATING EXISTING BUILDINGS.**

The General Assembly of North Carolina enacts:

SECTION 1. There is established a pilot program to utilize building code standards to promote rehabilitation of existing buildings in participating jurisdictions. As part of the pilot program, the lead local jurisdiction, as described in Section 3 of this act, shall develop a pilot rehabilitation building code ("pilot code") based on the New Jersey Uniform Construction Code Rehabilitation Subcode ("New Jersey model code"), codified at Title 5, Chapter 23, Subchapter 6 of the New Jersey Administrative Code, (cited as N.J.A.C. 5: 23-6). The lead local jurisdiction shall develop the pilot code in consultation with the North Carolina Department of Insurance ("Department") and in accordance with procedures established in this act. Within 180 days of the effective date of this act, the lead local jurisdiction shall cross-reference the pilot code to the North Carolina State Building Code (NCSBC), Volumes I, II, III, IV, V, VI, VII, IX, and I-C and deliver the cross-referenced pilot code to the Department for comment. Within 30 days thereafter, the Department shall submit its comments, if any, on the pilot code to the lead local jurisdiction. The comments, if any, shall address insuring proper coordination and cross-referencing of the pilot code to the existing NCSBC chapters but shall not include substantive changes to the standards established by the New Jersey model code. Within 30 days after receipt of comments by the Department or, if no comments are received, upon expiration of the comment period, the lead local jurisdiction shall incorporate any comments as may have been received, and the resulting document shall then become the pilot code for purposes of this act.

SECTION 2. Any eligible local jurisdiction, as defined in Section 3 of this act, may elect to participate in the pilot program by adopting the pilot code and by communicating to the Department and the lead local jurisdiction that its governing body has adopted the pilot code in accordance with this act. Any participating jurisdiction, as defined in Section 3 of this act, shall use the pilot code established by the lead local jurisdiction as set forth in Section 1 of this act. Notwithstanding any other provision of law, during the period of the pilot program established by this act, the pilot code shall be enforced in any participating jurisdiction as if it were statutorily mandated and approved by the North Carolina Building Code Council ("Building Code Council"). The lead local jurisdiction and other participating jurisdictions, and their officers, directors, and employees enforcing the pilot code shall not be subject to liability for damages to any greater or lesser extent arising from participation in the pilot program than if the lead local jurisdiction and other participating jurisdictions were not participating in the pilot program. In addition, buildings or projects built in compliance with the pilot code shall not be required to be retrofitted to come into compliance with the NCSBC once the pilot program expires.

SECTION 3. For purposes of this act, "eligible local jurisdictions" means cities and counties whose local building inspection departments have been approved by the Building Code Council to do local plan review approval in accordance with Section 602.2.3 of the Administrative Volume of the North Carolina State Building Code, and "participating jurisdictions" means eligible local jurisdictions electing to adopt the pilot

code in accordance with this act. Any eligible local jurisdictions having a population of more than 650,000 persons according to the most recent decennial census may qualify as a "lead local jurisdiction" for purposes of this act. If more than one eligible local jurisdiction shall qualify as a lead local jurisdiction, then the responsibilities of the lead local jurisdiction under this act shall be borne jointly by such eligible local jurisdictions. Within 30 days of the effective date of this act, any eligible local jurisdiction that qualifies and intends to act as a lead local jurisdiction shall notify the Department of its intention. Upon the expiration of such time, those eligible local jurisdictions providing notice shall constitute the lead local jurisdictions for all further purposes under this act.

SECTION 4. For each lead local jurisdiction, the period of the pilot program established by this act shall commence upon adoption of the pilot code by the governing body of the lead local jurisdiction. For all other participating jurisdictions, the pilot program shall commence on the date the eligible local jurisdiction communicates to the Department and the lead local jurisdiction that its governing body has adopted the pilot code. The pilot program shall expire for each lead local jurisdiction and all participating jurisdictions on January 1, 2006.

SECTION 5. The lead local jurisdiction shall bear all costs and expenses incurred in developing the pilot code, other than expenses incurred directly by the Department in providing comments and review. Each participating jurisdiction shall bear all expenses associated with administering the pilot code in its jurisdiction. The lead local jurisdiction shall bear all expenses associated with the reporting requirements set forth in Section 6, except that each participating jurisdiction shall bear the expenses associated with assembling and compiling utilization statistics for that jurisdiction. This act shall not be construed to obligate the General Assembly to appropriate funds to implement the provisions of this act. The Department shall carry out its responsibilities under this act with funds available to the Department.

SECTION 6. The lead local jurisdiction shall submit to the Building Code Council, the Department, and to the General Assembly both an interim report on the effectiveness of the pilot program on or before December 1, 2004, and a final report on or before April 1, 2006. The final report shall include:

- (1) A survey and statistics on the utilization of the pilot code in participating jurisdictions;
- (2) An analysis of administrative and cost issues associated with implementing the pilot code in participating jurisdictions;
- (3) Recommendations as to whether the pilot program should be extended or made permanent; and
- (4) Any legislative recommendations, including whether the pilot code standards authorized by this act should be incorporated in the General Statutes as part of the statewide building code.

SECTION 7. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 8th day of August, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:55 a.m. this 17th day of August, 2001