

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**HOUSE BILL 291
Committee Substitute Favorable 4/22/21**

Short Title: Bldg. Plan Approval - Certain Commercial Prop.

(Public)

Sponsors:

Referred to:

March 15, 2021

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH AND REQUIRE CERTAIN TIME LINES FOR REVIEW AND
APPROVAL OF COMMERCIAL AND MULTIFAMILY BUILDING PLANS FOR
LOCAL GOVERNMENTS AND TO ESTABLISH REMEDIES FOR FAILURE TO
TIMELY REVIEW PLANS SUBMITTED UNDER THE EXPERTISE OF A LICENSED
DESIGN PROFESSIONAL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160D-1106 reads as rewritten:

"§ 160D-1106. Alternate inspection method for component or element.

(a) Notwithstanding the requirements of this Article, a local government shall accept and approve, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from an architect licensed under Chapter 83A of the General Statutes or professional engineer licensed under Chapter 89C of the General Statutes provided all of the following apply:

- (1) When required by the North Carolina State Building Code, the submission design or other proposal is completed under valid seal of the licensed architect or licensed professional engineer.
- (2) Field inspection of the installation or completion of a component or element of the building is performed by a licensed architect or licensed professional engineer or a person under the direct supervisory control of the licensed architect or licensed professional engineer.
- (3) The licensed architect or licensed professional engineer under subdivision (2) of this subsection provides the local government with a signed written document certifying that the component or element of the building inspected under subdivision (2) of this subsection is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings. The certification required under this subdivision shall be provided by electronic or physical delivery, [and] its receipt shall be promptly acknowledged by the local government through reciprocal means. The certification shall be made on a form created by the North Carolina Building Code Council which shall include at least the following:
 - a. Permit number.
 - b. Date of inspection.
 - c. Type of inspection.
 - d. Contractor's name and license number.



1 e. Street address of the job location.

2 f. Name, address, and telephone number of the person responsible for
3 the inspection.

4 (a1) In accepting certifications of inspections under subsection (a) of this section, a local
5 government shall not require information other than that specified in this section.

6 (b) Upon the acceptance and approval receipt of a signed written document by the local
7 government as required under subsection (a) of this section, or upon issuance of a permit under
8 subsection (c1) of this section, notwithstanding the issuance of a certificate of occupancy, the
9 local government, its inspection department, and the inspectors are discharged and released from
10 any liabilities, duties, and responsibilities imposed by this Article with respect to or in common
11 law from any claim arising out of or attributed to the component or element in the construction
12 of the building for which the signed written document was ~~submitted~~submitted or permit was
13 issued.

14 (c) With the exception of the requirements contained in subsection (a) of this section, no
15 further certification by a licensed architect or licensed professional engineer is required for any
16 component or element designed and sealed by a licensed architect or licensed professional
17 engineer for the manufacturer of the component or element under the North Carolina State
18 Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings.

19 (c1) Notwithstanding any provision of law to the contrary, for commercial and multifamily
20 building plans submitted that require a design professional seal pursuant to Building Code
21 Council rules, initial plan review shall be completed and a building permit decision issued within
22 21 days. During the initial 21-day period, the local government or its agents shall communicate
23 with the design professional to resolve questions and issues with the submitted plan. If the local
24 government requests additional information or requires that the plan be resubmitted with
25 changes, the local government shall review the requested information or resubmitted plan and
26 issue a building permit decision within 15 days from the receipt of the requested information or
27 resubmitted plan.

28 (c2) In the event the local government determines that it is unable to complete the initial
29 plan review within 21 days, the local government may utilize the Department of Insurance and
30 its marketplace pool of qualified Code-enforcement officials or contract with a third-party
31 engineering firm that possesses a valid certificate under G.S. 143-151.13 to perform the initial
32 plan review provided that the total time for the initial plan review does not exceed the 21 days
33 required under subsection (c1) of this section.

34 (c3) The following shall apply (i) if the local government does not issue a building permit
35 decision for the submitted plan within 21 days of initial plan submission as provided in subsection
36 (c1) of this section or (ii) when additional information or a plan resubmission is requested and
37 the local government does not issue a building permit decision within 15 days of the receipt of
38 the additional information or resubmitted plan as provided in subsection (c1) of this section:

39 (1) The fee charged for plan submission and review shall be reduced by ten
40 percent (10%) each day.

41 (2) The permit applicant may utilize the Department of Insurance and its
42 marketplace pool of qualified Code-enforcement officials or hire a third-party
43 engineering firm that possesses a valid certificate under G.S. 143-151.13 to
44 review and approve the submitted plans. The cost of the third-party review
45 performed by the Department of Insurance or a third-party engineering firm
46 shall be reimbursed by the local government. Upon review and approval by
47 the third party, the local government shall issue all necessary building permits
48 for the project within 72 hours.

49 (c4) In the event the local government or its agents require specifications or manufacturer
50 engineering information on an element, component, or fixture related to the submitted plan, the
51 local government shall obtain that information from the manufacturer of the element, component,

1 or fixture. A local government shall not delay or deny the issuance of a permit or certificate of
2 occupancy based upon the receipt of specifications or manufacturer engineering information on
3 an element, component, or fixture.

4 (c5) In the event that a local government's ordinance conflicts with any part of this section,
5 the provisions of this section shall supersede and preempt any ordinance adopted or imposed by
6 the local government.

7 (d) As used in this section, the following definitions apply:

8 (1) Component. – Any assembly, subassembly, or combination of elements
9 designed to be combined with other components to form part of a building or
10 structure. Examples of a component include an excavated footing trench
11 containing no concrete, a foundation, and a prepared underslab with
12 slab-related materials without concrete. The term does not include a system.

13 (2) Element. – A combination of products designed to be combined with other
14 elements to form all or part of a building component. The term does not
15 include a system."

16 **SECTION 2.** G.S. 143-151.12(9) reads as rewritten:

17 "(9) Establish within the Department of Insurance a marketplace pool of qualified
18 Code-enforcement officials available for the following purposes:

19 a. When requested by the Insurance Commissioner, to assist in the
20 discharge of the Commissioner's duty under G.S. 143-139 to
21 supervise, administer, and enforce the North Carolina State Building
22 Code.

23 ...

24 c. When requested by a building permit applicant under
25 G.S. 160D-1106(c3)(2)."

26 **SECTION 3.** G.S. 143-151.13 is amended by adding a new subsection to read:

27 "(g) An engineer who possesses a valid certificate under subsection (f) of this section, but
28 is not employed by the State or a local government, may utilize that certificate for the limited
29 purpose of performing initial plan reviews as permitted under G.S. 160D-1106(c2) and (c3)."

30 **SECTION 4.** This act is effective when it becomes law and applies to plans
31 submitted on or after that date.