

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

4

SENATE BILL 633*
Insurance and Consumer Protection Committee Substitute Adopted 4/24/01
House Committee Substitute Favorable 7/26/01
Fourth Edition Engrossed 7/31/01

Short Title: Building Code Pilot Program.

(Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR
2 REHABILITATING EXISTING BUILDINGS.
3

4 The General Assembly of North Carolina enacts:

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

25 **SECTION 2.** Any eligible local jurisdiction, as defined in Section 3 of this
26 act, may elect to participate in the pilot program by adopting the pilot code and by
27 communicating to the Department and the lead local jurisdiction that its governing body

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

14 **SECTION 3.** For purposes of this act, "eligible local jurisdictions" means
15 cities and counties whose local building inspection departments have been approved by
16 the Building Code Council to do local plan review approval in accordance with Section
17 602.2.3 of the Administrative Volume of the North Carolina State Building Code, and
18 "participating jurisdictions" means eligible local jurisdictions electing to adopt the pilot
19 code in accordance with this act. Any eligible local jurisdictions having a population of
20 more than 650,000 persons according to the most recent decennial census may qualify
21 as a "lead local jurisdiction" for purposes of this act. If more than one eligible local
22 jurisdiction shall qualify as a lead local jurisdiction, then the responsibilities of the lead
23 local jurisdiction under this act shall be borne jointly by such eligible local jurisdictions.
24 Within 30 days of the effective date of this act, any eligible local jurisdiction that
25 qualifies and intends to act as a lead local jurisdiction shall notify the Department of its
26 intention. Upon the expiration of such time, those eligible local jurisdictions providing
27 notice shall constitute the lead local jurisdictions for all further purposes under this act.

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

35 **SECTION 5.** The lead local jurisdiction shall bear all costs and expenses
36 incurred in developing the pilot code, other than expenses incurred directly by the
37 Department in providing comments and review. Each participating jurisdiction shall
38 bear all expenses associated with administering the pilot code in its jurisdiction. The
39 lead local jurisdiction shall bear all expenses associated with the reporting requirements
40 set forth in Section 6, except that each participating jurisdiction shall bear the expenses
41 associated with assembling and compiling utilization statistics for that jurisdiction. This
42 act shall not be construed to obligate the General Assembly to appropriate funds to

1 implement the provisions of this act. The Department shall carry out its responsibilities
2 under this act with funds available to the Department.

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

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

16 **SECTION 7.** This act is effective when it becomes law.