

Burgos, Alexander N

From: Rittlinger, David B
Sent: Monday, April 22, 2024 12:40 PM
To: Liebman, Brian R
Cc: Childs, Nathan D; Burgos, Alexander N
Subject: RE: Building Code filings and status

Brian,
Thank you for confirming a recommended approval of the 2024 NCMC.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

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

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, April 22, 2024 12:37 PM
To: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Cc: Childs, Nathan D <nchilds@NCDOJ.GOV>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Building Code filings and status

Good afternoon everyone,

Since we have quite a few filings before the RRC for this month's meeting, I thought it would be helpful to recap where I believe all the filings are in the pipeline. For the record, I am going to ask the Commission to extend the period of review for the Existing Building Code, the Fire Code, the Building Code, and the 16 separate amendments filed for those codes.

Amendments to the 2024 Codes:

Admin Code - 4

- 107.1.5 – as amended, recommend approval
- 106.3.1 – withdrawn
- 204.4.5 and 204.4.5.1 – recommend approval
- Appendix H – recommend approval

Plumbing Code – 1

- 702.1, 702.4, 1102.2, and 1102.7 - withdrawn

Filing of full codes:

2024 Existing Building Code – extension

2 amendments - extension

2024 Fire Code - extension

8 amendments - extension

2024 Building Code - extension

6 amendments - extension

2024 Fuel Gas Code – as amended, recommend approval

2024 Mechanical Code – as amended, recommend approval

2 amendments – recommend approval

2024 Energy Conservation Code – waiting for responses to requests for changes

1 amendment – no reason to object at this time

Repeals:

Repeal of the 2017/2020 Electrical Codes – recommend approval

So, as I see it, the only thing left that needs to be addressed for the April 30 meeting is the Energy Conservation Code. If I've missed something, or if you have a different understanding of anything, please let me know.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Administrative Code and Policies

From: Rittlinger, David B <david.rittlinger@ncdoi.gov>

Sent: Monday, April 22, 2024 12:25 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Holder, Karen <Karen.Holder@ncdoi.gov>; Childs, Nathan D <nchilds@NCDOJ.GOV>

Subject: RE: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Administrative Code and Policies

Brian,
Very good.
Thank you.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

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

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Monday, April 22, 2024 12:23 PM

To: Rittlinger, David B <david.rittlinger@ncdoi.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Holder, Karen <Karen.Holder@ncdoi.gov>; Childs, Nathan D <nchilds@NCDOJ.GOV>

Subject: RE: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Administrative Code and Policies

David,

With the included change, I see no reason to recommend objection to 107.1.5.

Since we have a lot of different codes and provisions floating around, I am going to send an email recapping where I believe we are on everything.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Burgos, Alexander N

Subject: FW: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Administrative Code and Policies

Attachments: 2024-0419 DBR Responses 04.2024 - BCC - NC Admin Code 107.1.5 - Request for Changes.docx; D-3 20231212 Item B-1 2024 NCACP 107.1.5 Rev 1. Form_0400_for_Permanent_Rule_March_2024.pdf; D-3 20231212 Item B-1 2024 NCACP 107.1.5 Rev 1. Form_0400_for_Permanent_Rule_March_2024.docx

Importance: High

From: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Sent: Friday, April 19, 2024 5:38 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Holder, Karen <Karen.Holder@ncdoi.gov>; Childs, Nathan D <nchilds@NCDOJ.GOV>
Subject: RE: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Administrative Code and Policies
Importance: High

Brian,

Good afternoon.

Attached are the following documents concerning the 2024 NC Administrative Code and Policies Section 107.1.5
I have attached a separate pdf and MS Word copy of the amendment to be considered by the RRC as permanent rules.

Documents included:

1. Responses to RRC attorney comments: File: [2024-0419 DBR Responses-04.2024 - BCC - NC Admin Code 107.1.5 - Request for Changes.docx](#)
2. Revised Form 400 with intent clarification

Thank you for confirming the staff attorney recommendation concerning Section 204.4.5 and 204.4.5.1, and Appendix H.

Let me know if you have any questions or comments.

Thank you for your work on this.

Have a great day.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

[Link to free view of 2018 NC Codes](#)

<https://codes.iccsafe.org/codes/north-carolina>

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: N.C. Administrative Code, 107.1.5

DEADLINE FOR RECEIPT: TBD

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

G.S. 143-138(b23) (as codified in SL 2023-108, s.4.(a)) ties inspections for both the Building Code and the Residential Code to the region's ultimate windspeed:

(b23) Exterior Sheathing Inspections Prohibited. – The Code shall not require routine exterior sheathing inspections for structures or dwellings covered by the North Carolina Building Code or North Carolina Residential Code located in a region where the ultimate wind speed is less than 140 miles per hour.

While 107.1.5 limits inspections for structures built under the Residential Code to areas where the ultimate windspeed is 140 MPH or greater, the language applicable to structures built under the Building Code is much broader, and states only that sheathing inspections are required “where the exterior sheathing is part of the lateral force resistance system.”

The language the BCC has adopted does not include the windspeed limitation for structures covered under the Building Code. As such, it is not in compliance with the BCC's statutory authority.

That said, in correspondence with a member of the public to which I was copied, it appears that the BCC has proposed making a change to the language that would apply the 140 MPH windspeed limitation to structures built under the Building Code that would, in staff's opinion, satisfy any potential objection for lack of statutory authority and would not be a substantial change under G.S. 150B-21.2(g). However, that change has not yet been filed with the RRC.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: April 19, 2024

**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;; and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: N.C. Administrative Code, 107.1.5

DEADLINE FOR RECEIPT: TBD

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

G.S. 143-138(b23) (as codified in SL 2023-108, s.4.(a)) ties inspections for both the Building Code and the Residential Code to the region's ultimate windspeed:

(b23) Exterior Sheathing Inspections Prohibited. – The Code shall not require routine exterior sheathing inspections for structures or dwellings covered by the North Carolina Building Code or North Carolina Residential Code located in a region where the ultimate wind speed is less than 140 miles per hour.

While 107.1.5 limits inspections for structures built under the Residential Code to areas where the ultimate windspeed is 140 MPH or greater, the language applicable to structures built under the Building Code is much broader, and states only that sheathing inspections are required “where the exterior sheathing is part of the lateral force resistance system.”

The language the BCC has adopted does not include the windspeed limitation for structures covered under the Building Code. As such, it is not in compliance with the BCC's statutory authority.

That said, in correspondence with a member of the public to which I was copied, it appears that the BCC has proposed making a change to the language that would apply the 140 MPH windspeed limitation to structures built under the Building Code that would, in staff's opinion, satisfy any potential objection for lack of statutory authority and would not be a substantial change under G.S. 150B-21.2(g). However, that change has not yet been filed with the RRC.

NCBCC Rule Coordinator Response: The intent is certainly to limit sheathing inspections for commercial and residential buildings and structures to 140mph and higher as per NCGS 143-138 (b23). The section intent is clarified as follows: 107.1.5 Sheathing inspection. Required for structures constructed under the NC Building Code in 140 mph wind zones or higher where the exterior sheathing is part of the lateral force resistance system. Required for dwellings constructed under the NC Residential

Brian Liebman

Commission Counsel

Date submitted to agency: April 19, 2024

Code in 140 mph wind zones or higher where the exterior sheathing is part of the wall bracing system. Sheathing inspection shall be made during or after the framing inspection, but before the water-resistant barrier and exterior finish is installed.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: April 19, 2024

Burgos, Alexander N

From: Liebman, Brian R
Sent: Friday, April 19, 2024 2:26 PM
To: Rittlinger, David B; Rules, Oah
Cc: McGhee, Dana; Burgos, Alexander N; Holder, Karen; Childs, Nathan D; Snyder, Ashley B
Subject: RE: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Administrative Code and Policies

David,

SL 2023-108, s.5.(d) states that "Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes." Thus, it appears to me that RRC should not review the amendment to 106.3.1, and it should instead be sent to the GA for legislative review. I've copied the Codifier on this email, as she would be the one to send it to the GA.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Rittlinger, David B <david.rittlinger@ncdoj.gov>
Sent: Tuesday, March 19, 2024 2:21 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>; Holder, Karen <Karen.Holder@ncdoj.gov>; Childs, Nathan D <nchilds@NCDOJ.GOV>
Subject: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Administrative Code and Policies
Importance: High

Good afternoon RRC,

Attached is a NC Building Code Council code amendment that was adopted on March 19, 2024 for the 2024 NC Administrative Code and Policies.

I have attached a separate pdf and MS Word copy of the amendment to be considered by the RRC as permanent rules.

It is my understanding that these rules will be included in the 4/30/24 RRC agenda

Let me know if you have any questions or comments.

Thank you for your work on this.
Have a great day.

David B. Rittlinger, PE, LEED AP
Division Chief - Codes & Interpretations



North Carolina Office of State Fire Marshal
1429 Rock Quarry Road, Suite 105
Raleigh, NC 27610
919.647.0008

david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes

<https://codes.iccsafe.org/codes/north-carolina>

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: Rittlinger, David B
Sent: Friday, April 19, 2024 5:04 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N; Childs, Nathan D
Subject: RE: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Plumbing Code

Brian,

The approval of the 2024 NCPC was contingent upon the this petition by the NCBCC and approved by the RRC. To complete the process without any confusion, I would prefer to keep this on the agenda.

Let me know if you have any questions.

Thank you for your work on this.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes

<https://codes.iccsafe.org/codes/north-carolina>

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, April 19, 2024 10:57 AM
To: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Childs, Nathan D <nchilds@NCDOJ.GOV>
Subject: RE: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Plumbing Code

Hi David,

I just looked at this amendment, and these provisions are already in the 2024 Plumbing Code. If you recall, the BCC made the changes in response to a comment in opposition to the Code.

Obviously, there's no need to proceed with the amendment under those circumstances, so do you want to withdraw this?

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: N.C. Administrative Code, 107.1.5

DEADLINE FOR RECEIPT: TBD

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

G.S. 143-138(b23) (as codified in SL 2023-108, s.4.(a)) ties inspections for both the Building Code and the Residential Code to the region's ultimate windspeed:

(b23) Exterior Sheathing Inspections Prohibited. – The Code shall not require routine exterior sheathing inspections for structures or dwellings covered by the North Carolina Building Code or North Carolina Residential Code located in a region where the ultimate wind speed is less than 140 miles per hour.

While 107.1.5 limits inspections for structures built under the Residential Code to areas where the ultimate windspeed is 140 MPH or greater, the language applicable to structures built under the Building Code is much broader, and states only that sheathing inspections are required “where the exterior sheathing is part of the lateral force resistance system.”

The language the BCC has adopted does not include the windspeed limitation for structures covered under the Building Code. As such, it is not in compliance with the BCC's statutory authority.

That said, in correspondence with a member of the public to which I was copied, it appears that the BCC has proposed making a change to the language that would apply the 140 MPH windspeed limitation to structures built under the Building Code that would, in staff's opinion, satisfy any potential objection for lack of statutory authority and would not be a substantial change under G.S. 150B-21.2(g). However, that change has not yet been filed with the RRC.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: April 19, 2024

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Rittlinger, David B <david.rittlinger@ncdoi.gov>

Sent: Wednesday, March 20, 2024 8:19 AM

To: Rules, Oah <oah.rules@oah.nc.gov>

Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>; Holder, Karen <Karen.Holder@ncdoi.gov>; Childs, Nathan D <nchilds@NCDOJ.GOV>

Subject: NC Building Code Council - NC Building Code Approved Rules (Code Amendment): 2024 NC Plumbing Code

Importance: High

Good morning RRC,

Attached is a NC Building Code Council code amendment that was adopted on March 19, 2024 for the 2024 NC Plumbing Code

I have attached a separate pdf and MS Word copy of the amendment to be considered by the RRC as permanent rules.

It is my understanding that these rules will be included in the 4/30/24 RRC agenda

Let me know if you have any questions or comments.

Thank you for your work on this.

Have a great day.

David B. Rittlinger, PE, LEED AP
Division Chief - Codes & Interpretations



North Carolina Office of State Fire Marshal

1429 Rock Quarry Road, Suite 105

Raleigh, NC 27610

919.647.0008

david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes

<https://codes.iccsafe.org/codes/north-carolina>

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.