

# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency: NC Building Code Council</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 2024 NC Administrative Code and Policies, Table 202.5 and Appendix C (240319 Item B-4)	
<b>3. Action:</b> <input checked="" type="checkbox"/> <b>ADOPTION</b> <input type="checkbox"/> <b>AMENDMENT</b> <input type="checkbox"/> <b>REPEAL</b> <input type="checkbox"/> <b>READOPTION</b> <input type="checkbox"/> <b>REPEAL through READOPTION</b>	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> <b>Notice Required</b> <b>Notice of Text published on:</b> May 15, 2024 in NC Register, April 24, 2024 agency website <b>Link to Agency notice:</b> <a href="https://www.ncosfm.gov/240610-notice1hearing-2">https://www.ncosfm.gov/240610-notice1hearing-2</a> <b>Hearing on:</b> June 11, 2024 <b>Adoption by Agency on:</b> September 10, 2024 <input type="checkbox"/> <b>Notice not required under G.S.:</b> <b>Adoption by Agency on:</b>	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b> <input type="checkbox"/> This Rule was part of a combined analysis.  <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<b>9. REASON FOR ACTION</b>	
<b>9A. What prompted this action? Check all that apply:</b> <div style="display: flex; justify-content: space-between;"><div style="width: 48%;"><input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite:</div><div style="width: 48%;"><input type="checkbox"/> Legislation enacted by the General Assembly     Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:</div></div>	
<b>9B. Explain:</b> NC OSFM Code and Interpretations staff has repeatedly heard from stakeholders in the built environment that the code adoption process takes too much time as it seems that petitions sit for long periods of time between NCBCC meetings without any action on them. This petition aims to make the code adoption process more efficient to meet the demands of all stakeholders by speeding up the code adoption time by 90 days without adding additional NCBCC quarterly meetings.  The delayed effective date of this Rule is January 1, 2025. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	

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**10. Rulemaking Coordinator:** David B. Rittlinger  
David B. Rittlinger  
Phone: (919)647-0008  
E-Mail: david.rittlinger@ncdoi.gov

Additional agency contact, if any:  
Phone:  
E-Mail:

**11. Signature of Agency Head\* or Rule-making Coordinator:**



\*If this function has been delegated (reassigned) pursuant to  
G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: David B. Rittlinger  
Title: Interim NC-OSFM Division Chief of Building Code &  
Interpretations and Chief Code Consultant

### RRC AND OAH USE ONLY

**Action taken:**

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

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Table 202.5.5 is edited as follows:

**Table 202.5.5  
Typical Timeline Example for Adopted Rules**

Rule Petition Received:	February 1
<u>Rule Petition Sent to the North Carolina Office of Administrative Hearings Pursuant to N.C.G.S. 150B-20(a) for Posting to the Public Within Three Business Days:</u>	<u>February 1</u>
Standing Committee <del>First</del> Review:	February – <del>March</del> <u>June</u>
Rule Petition Granted for Public <del>Hearing</del> : <u>Hearing (B-items):</u>	<del>March</del> <u>Mid-March</u> BCC meeting
Notice of Hearing Published:	<del>April</del> <u>Mid-April</u> NC Register
Hearing <del>Held</del> : <u>Held (C-items):</u>	<del>June</del> <u>Mid-June</u> BCC public hearing ( <u>no later than 60 days from the NC Register publication date</u> )
Standing Committee Final Review:	<del>June</del> <u>Mid-June</u> <del>September</del> <u>BCC Standing Committee meeting (after the public hearing and expiration of the 60 day public comment period)</u>
Final Rule <del>Adoption</del> : <u>Adoption (D-items):</u>	<del>September</del> <u>June</u> <u>Mid-June</u> BCC meeting ( <u>after the public hearing and expiration of the 60 day public comment period</u> )
Rules Review Meeting:	<del>November</del> <u>July or August</u> RRC meeting
Effective:	First day of the month following the month the adopted rule is approved by RRC or a delayed effective date approved by the BCC.

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# SUBMISSION FOR PERMANENT RULE

Appendix C is edited as follows:

Typical Timeline Example for Adopted Rules	
Rule Petition Received:	February 1
Rule Petition Sent to the North Carolina Office of Administrative Hearings Pursuant to N.C.G.S. 150B-20(a) for Posting to the Public Within Three Business Days:	February 1
Standing Committee First Review	February - <del>March</del> June
Rule Petition Granted for Public Hearing: Hearing (B-items):	<del>March</del> Mid-March BCC meeting
Notice of Hearing Published:	<del>April</del> Mid-April NC Register
Hearing Held: Held (C-items):	<del>June</del> Mid-June BCC public hearing (no later than 60 days from the NC Register publication date)
Standing Committee Final Review	<del>June</del> Mid-June – <del>September</del> BCC Standing Committee meeting (after the public hearing and expiration of the 60 day public comment period)
Final Rule Adoption: Adoption (D-items):	<del>September</del> <del>June</del> Mid-June BCC meeting (after the public hearing and expiration of the 60 day public comment period)
Rules Review Meeting:	<del>November</del> July or August RRC meeting
Effective:	First day of the month following the month the adopted rule is approved by RRC or a delayed effective date approved by the BCC.