



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Code Officials Qualification Board

2. Rule citation & name:

11 NCAC 08 .0706 REQUIRED QUALIFICATIONS: TYPES AND LEVELS

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

☒ No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: August 19, 2025

b. Proposed Temporary Rule published on the OAH website: August 26, 2025

c. Public Hearing date: September 4, 2025

d. Comment Period: August 26, 2025 through September 19, 2025

e. Notice pursuant to G.S. 150B-21.1(a3)(2): August 19, 2025

f. Adoption by agency on: September 30, 2025

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
- ☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ Other:

Explain:

See attached.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

See attached.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Kyle Heuser

Phone:

919.647.0100

E-Mail:

kyle.heuser@ncdoi.gov

Agency contact, if any:

Joseph Starling

Phone:

919.397.6159

E-Mail: joseph.starling@ncdoi.gov

10. Signature of Agency Head*:



* 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:

Bill Thunberg

Title:

Chair

E-Mail: billthunberg@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

Justification for Temporary Rulemaking

The Code Officials Qualification Board (COQB) recently adopted amendments to 11 NCAC 08 .0706 and adopted 11 NCAC 08 .0737 through .0741 as new rules to implement a “dual track” certification system for code officials beginning January 1, 2025. This system provides a “grandfathering” period under which a Level I or Level II code official certified before January 1, 2025 is authorized to inspect different types of structures and systems than a Level I or II code official certified on or after that date.

After the adoption of these rules, the Office of the State Fire Marshal (OSFM) – which provides staff support to the COQB – learned that its current certification database cannot accommodate this dual track certification structure. Specifically, the system cannot assign different scopes of inspection authority to inspectors with the same level designation based on their certification date.

As a result, OSFM has been forced to manually track the certification scopes of newly certified inspectors. Manual tracking presents an immediate and unforeseen threat to the public health, safety, and welfare for several reasons:

1. **Risk of Improper Inspection Assignments** – Without reliable system controls, there is a significant risk that newly certified inspectors could be assigned to perform inspections outside their authorized scope. Such inspections may overlook critical code requirements, leading to unsafe construction, undetected hazards, and potential injury or property damage.
2. **Potential for Incorrect Certifications** – Manual processing increases the likelihood of clerical or data entry errors. An inspector might be issued an incorrect certification level in the database, which could allow them to perform inspections they are not qualified to conduct.
3. **Liability and Enforcement Problems** – If unqualified inspections occur, it could expose local governments and the State to liability for unsafe structures and undermine enforcement actions when improper work is challenged in court.
4. **Loss of Public Confidence** – The inability to accurately certify and track code official qualifications could erode public trust in the building code enforcement system and in the COQB’s oversight of inspector competency.

The IT limitation was not known to the Board during the rulemaking process, and OSFM requires time to design a new certification database or procure one from a vendor. Until the technology solution is in place, it is necessary to temporarily amend the affected rules to delay the dual track provisions, thus preventing confusion, error, and unsafe inspection assignments.

Temporary rulemaking is therefore required to address this unforeseen threat to the public health, safety, and welfare and to maintain the integrity of the State’s building inspection program.

11 NCAC 08 .0706 is amended under temporary procedures as follows:

11 NCAC 08 .0706 REQUIRED QUALIFICATIONS: TYPES AND LEVELS

(a) Qualification Levels: With respect to all types of code-enforcement officials certified by the Board prior to January 1, ~~2025, 2027~~, those with Level I, Level II, or Level III certificates shall be qualified to inspect and approve only those buildings limited by the occupancy classification for Fire inspectors and by the occupancy classification, number of stories, and square feet (sf) per floor area of buildings for Building, Electrical, Mechanical, and Plumbing inspectors, as shown in Subparagraphs (a)(1) and (a)(2) of this Rule. Code-enforcement officials certified for Level I and II shall be authorized to inspect and approve these buildings until December 31, ~~2030, 2032~~. Any code-enforcement official with a probationary Level I or Level II certificate, who earns a Standard Level I or Level II certificate between January 1, ~~2025, 2027~~ and December 31, ~~2030, 2032~~, shall be qualified to inspect and approve only those buildings shown in Subparagraphs (a)(1) and (a)(2) of this Rule until December 31, ~~2030, 2032~~. As of January 1, ~~2031, 2033~~, code-enforcement officials certified for Level I and Level II shall continue to be certified at those same levels but shall be qualified to inspect and approve only those types of buildings shown in Subparagraph (a)(3) of this Rule. Standard Level III certificates shall be authorized to inspect and approve the types of buildings shown in Subparagraph (a)(3) of this Rule indefinitely.

- (1) Fire inspectors shall be limited to occupancy classifications, Highrise, and plan review as follows, except all Levels include Business, Mercantile, Residential, and Utility and Miscellaneous:
 - (A) Level I. Assembly (limited to 1 story/20,000 sf), Factory Industrial F-2, and Storage S-2. No Highrise or plan review.
 - (B) Level II. Assembly, Educational, Factory Industrial F-1 and F-2, and Storage S-1 and S-2. Plan review.
 - (C) Level III. Assembly, Educational, Factory Industrial F-1 and F-2, Hazardous, Institutional, and Storage S-1 and S-2. Highrise and plan review.
- (2) Building, Mechanical, Electrical and Plumbing inspectors shall be limited to occupancy classifications, number of stories, and square feet (sf) per floor as follows, except for any Level, there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous.
 - (A) Level I. Single (1) story/7,500 sf, for Assembly, Education, Institutional, and Residential Multi-unit. Single (1) story/20,000 sf, for Business, Factory Industrial, Mercantile, and Storage. Single (1) story/3,000 sf, for Hazardous.
 - (B) Level II. Single (1) story/10,000 sf, for Institutional; 20,000 sf, for Assembly, Education, and Hazardous; and, 60,000 sf, for Business, Factory Industrial, and Mercantile. Multi-story: 2 stories, maximum 20,000 sf per floor for Education and Hazardous. Multi-story: 3 stories, maximum 10,000 sf per floor Institutional; and, unlimited sf Residential Multi-unit. Multi-story: 4 stories, maximum 20,000 sf per floor for Business, Factory Industrial, and Mercantile.
 - (C) Level III. Unlimited stories and sf per floor.
- (3) ~~With respect to all types of code-enforcement officials-officials, except fire inspectors, newly certified by the Board on or after January 1, 2025, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as follows except for any Level there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous:~~
 - (A) Level I inspectors shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units subject to the limitations for the type of inspector.
 - (B) Level II inspectors shall be qualified to perform code-enforcement official duties for commercial buildings subject to the limitations for the type of inspector.
 - (C) Level III inspectors shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure subject to the limitations for the type of inspector.
- (4) With respect to fire inspectors newly certified by the Board on or after January 1, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as provided in Rule .0741 of this Section.

(b) Whenever a provision of the rules in this Section requires a supporting letter (maximum of two per level) from a supervisor, the letter(s) shall be notarized, shall state the supervisor's qualifications (i.e., what type and level of

certificate or license the supervisor holds), shall state that the applicant has worked under the supervisor's direct supervision for a specified period of time, and shall recommend certification of the applicant as a specified type and level of inspector upon satisfaction of other required qualifications. The supervisor shall describe the name, floor area, and number of stories of the buildings worked on by the applicant and shall describe the work performed by the applicant.

(c) References in the rules in this Section to professional engineer or licensed engineer means engineers licensed by the North Carolina State Board of Examiners for Engineers and Surveyors pursuant to Chapter 89C of the North Carolina General Statutes. References in the rules in this Section to registered architect means architects licensed by the Board of Architecture pursuant to Chapter 83A of the North Carolina General Statutes. References to licensed building, residential, electrical, heating, plumbing, and fire sprinkler contractors means contractors licensed by the State Licensing Board for General Contractors, the North Carolina State Board of Examiners of Electrical Contractors, or the North Carolina State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, pursuant to Chapter 87 of the North Carolina General Statutes. References to licensed "building" contractors do not include licensed "residential" contractors. Specialty licenses issued by these occupational licensing boards are applicable as prescribed by the inspector type and level contained in this Section. Applicants with licenses from other states or countries must provide a copy of their license and documentation to prove that the requirements of the other state or country are at least equivalent to the statewide licensing requirements of North Carolina occupational licensing boards.

(d) Whenever a provision of the rules in this Section requires the possession of an occupational license other than those certificates that are issued by the Board, if that license is inactive, the applicant must provide documentation from the appropriate occupational licensing board to prove that the applicant previously held the license and that the license is currently inactive.

(e) Whenever a provision of the rules in this Section requires inspector experience on a minimum number of buildings or systems, the experience must include all the inspections typically performed by an inspector during construction of the building or system. Inspections do not have to be performed on the same building.

(f) Whenever a provision of the rules in this Section requires a high school education or other education and experience qualifications, the Board may approve equivalent qualifications. Whenever a provision of the Rules in this Section requires the possession of a diploma or degree from an accredited college, university, or trade school, accredited shall mean accreditation from a regional accrediting association, for example, Southern Association of Colleges and Schools.

(g) Every applicant for a standard certificate shall:

- (1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate; and
- (2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), as an employee of or under contract with that city or county jurisdiction; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Office of State Fire Marshal that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), for a state department or agency; and
- (3) make a passing grade of at least 70 percent on a law and administration course administered and taught by a Board-approved sponsor; and
- (4) make a passing grade of at least 70 percent on courses for certification in building, electrical, fire prevention, mechanical, or plumbing inspection at Levels I, II, or III, unless exempted by 11 NCAC 08 .0707. For the purpose of entry into the state examination, courses must be completed within five years of the exam in Subparagraph (g)(5) of this Rule. These courses shall be administered and taught by the North Carolina Office of State Fire Marshal and the North Carolina Community College System or other educational agencies accredited by a regional accrediting association; for example, Southern Association of Colleges and Schools; and
- (5) make a passing grade of 70 percent on the state examination administered by the Board for each inspector type and level of certification, unless exempted by 11 NCAC 08.0707.

History Note: *Authority G.S. 143-151.12(1); 143-151.12(9); 143-151.13; Eff. January 15, 1980; Amended Eff. August 1, 2004; July 18, 2002; February 1, 1991; August 1, 1990; July 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*



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11 NCAC 08 .0737 BUILDING INSPECTOR LEVEL I, II AND III

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule: ☐ Yes

☒ No

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Explain:

See attached.

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Kyle Heuser

Phone:

919.647.0100

E-Mail:

kyle.heuser@ncdoi.gov

Agency contact, if any:

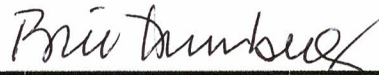
Joseph Starling

Phone:

919.397.6159

E-Mail: joseph.starling@ncdoi.gov

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Typed Name:

Bill Thunberg

Title:

Chair

E-Mail: billthunberg@gmail.com

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Temporary rulemaking is therefore required to address this unforeseen threat to the public health, safety, and welfare and to maintain the integrity of the State’s building inspection program.

11 NCAC 08 .0737 is amended under temporary procedures as follows:

11 NCAC 08 .0737 BUILDING INSPECTOR LEVEL I, II AND III

(a) A Building Inspector, Level I, ~~(Residential)~~ (Residential), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units, in accordance with the provisions of the North Carolina Residential Code.

(b) A Building Inspector, Level ~~II~~ II (Commercial), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height, except for hazardous and institutional occupancy classifications.

(c) A Building Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure occupancy classification.

(d) Building Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)(e)~~ Building Inspector, Level I. A standard certificate, Building Inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, residential or building contractor or a registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) A two-year degree from an accredited college or university in building construction, electrical, mechanical, or plumbing contracting, construction management or engineering technology;
- (4) A four-year degree from an accredited college or university;
- (5) At least six months of residential inspection experience, with a probationary Level I building inspection certificate, on a minimum of two Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III, with a supporting letter from the applicant's supervisor which complies with of Rule .0706(b) of this Section;
- (6) At least one year of residential design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, architect, or residential or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least two years of residential design, construction, or inspection experience while working under a licensed residential contractor;
- (8) At least two years of experience as an owner, manager, supervisor, or qualifier, as that term is defined in G.S. 87-10(b), of a residential construction company, who has a license as a residential contractor, and who has construction experience on a minimum of two Level I buildings (this does not include a business partner providing monetary backing for the company);
- (9) At least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades, or work in building construction, on a minimum of two Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience;
- (10) At least one year of experience with a probationary Level I building inspection certificate inspecting residential construction on a minimum of two Level I buildings.

~~(e)(f)~~ Building Inspector, Level II. A standard certificate, building inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, building contractor or registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least one year of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, architect, or building contractor;

- (4) A four-year degree from an accredited college or university and at least one year of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed professional engineer, architect, or building contractor;
 - (5) At least six months of commercial inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a standard certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (6) At least one year of commercial design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (7) At least two years of commercial building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (8) At least two years of commercial building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
 - (9) At least one year of experience with a probationary Level II building inspection certificate inspecting construction of a minimum of two Level II buildings.
- ~~(f)~~(g) Building Inspector, Level III. A standard certificate, building inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:
- (1) A license as a professional engineer, architect, or unlimited building contractor with design, construction, or inspection experience on a minimum of two Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
 - (2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction or construction management and at least one year of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor, at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
 - (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least three years of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
 - (4) At least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (5) At least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, architect, or unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
 - (6) At least one year of experience with a probationary Level III building inspection certificate inspecting the construction of a minimum of two Level III buildings.

History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;



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11 NCAC 08 .0738 ELECTRICAL INSPECTOR LEVEL I, II AND III

3. Action:

☐ Adoption

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4. **Loss of Public Confidence** – The inability to accurately certify and track code official qualifications could erode public trust in the building code enforcement system and in the COQB’s oversight of inspector competency.

The IT limitation was not known to the Board during the rulemaking process, and OSFM requires time to design a new certification database or procure one from a vendor. Until the technology solution is in place, it is necessary to temporarily amend the affected rules to delay the dual track provisions, thus preventing confusion, error, and unsafe inspection assignments.

Temporary rulemaking is therefore required to address this unforeseen threat to the public health, safety, and welfare and to maintain the integrity of the State’s building inspection program.

11 NCAC 08 .0738 is amended under temporary procedures as follows:

11 NCAC 08 .0738 ELECTRICAL INSPECTOR LEVEL I, II AND III

(a) An Electrical Inspector, Level I, ~~(Residential)~~ I (Residential), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties for electrical systems that serve individual residential dwelling units and equipment including its accessory structures and equipment, except for those systems described in Paragraph (b) or (c) of this Rule.

(b) An Electrical Inspector, Level II, ~~(Commercial)~~ II (Commercial), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties for electrical systems that serve non-residential structures and equipment including common areas of multi-family residential structures, except for those systems described in Paragraph (a) or (c) of this Rule.

(c) An Electrical Inspector, Level III, (Special Systems) shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure and the following special systems:

- (1) Photovoltaic systems
- (2) Electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater.

(d) Electrical Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for electrical systems that serve the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)~~(e) Electrical Inspector, Level I. A standard certificate, electrical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed electrical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A restricted (one family dwelling) license or license as an electrical contractor;
- (6) At least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or
- (7) At least one year of experience with a probationary Level I electrical inspection certificate inspecting electrical installations on a minimum of two Level I buildings.

~~(e)~~(f) Electrical Inspector, Level II. A standard certificate, electrical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;
- (2) A four-year degree from an accredited college or university in electrical engineering or electrical construction;
- (3) A four-year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (4) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (5) An intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;

- 1 (6) At least three years of electrical inspection experience including one year of inspection experience
2 with a probationary Level II electrical inspection certificate on a minimum of two Level II
3 buildings while working under the direct supervision of a certified electrical inspector II or III,
4 with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this
5 Section
- 6 (7) At least three years of electrical design, construction, or inspection experience on a minimum of
7 two Level II buildings while working under the direct supervision of a licensed professional
8 engineer or licensed intermediate or unlimited electrical contractor, with a supporting letter from
9 the applicant's supervisor which complies Rule .0706(b) of this Section; or
- 10 (8) At least one year of experience with a probationary Level II electrical inspection certificate
11 inspecting electrical installations on a minimum of two Level II buildings.
- 12 ~~(f)~~(g) Electrical Inspector, Level III. A standard certificate, electrical inspector, Level III, shall be issued to any
13 applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the
14 applicant possesses one of the following:
- 15 (1) A license as a professional engineer with design, construction, or inspection experience on Level
16 III buildings and specialization in electrical engineering;
- 17 (2) A four-year degree from an accredited university in electrical engineering or electrical
18 construction and at least one year of electrical design, installation, or inspection experience while
19 working under the direct supervision of a certified electrical inspector III, licensed professional
20 engineer, or licensed unlimited electrical contractor at least at the level of supervisor in responsible
21 charge of a minimum of two Level III buildings;
- 22 (3) A two-year degree from an accredited college or university in electrical engineering or electrical
23 construction and at least three years of electrical design, installation, or inspection experience
24 while working under the direct supervision of a certified electrical inspector III, licensed
25 professional engineer, or licensed unlimited electrical contractor with at least one year at the level
26 of supervisor in responsible charge of a minimum of two Level III buildings;
- 27 (4) An unlimited license as an electrical contractor with experience on a minimum of two Level III
28 buildings;
- 29 (5) At least four years of electrical inspection experience including one year of inspection experience
30 with a probationary Level III electrical inspection certificate on a minimum of two Level III
31 buildings while working under the direct supervision of a certified electrical inspector III, with a
32 supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this
33 Section;
- 34 (6) At least four years of electrical design, construction, or inspection experience while working under
35 the direct supervision of a licensed professional engineer or licensed unlimited electrical
36 contractor, two years of which have been performed at the level of supervisor in responsible
37 charge of a minimum of two Level III buildings, with a supporting letter from the applicant's
38 supervisor which complies with Rule .0706(b) of this Section; or
- 39 (7) At least one year of experience with a probationary Level III electrical inspection certificate
40 inspecting the electrical installations of a minimum of two Level III buildings.

41
42 *History Note:* Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;
43 Eff. February 1, 2025.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Code Officials Qualification Board

2. Rule citation & name:

11 NCAC 08 .0739 MECHANICAL INSPECTOR LEVEL I, II AND III

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: August 19, 2025

b. Proposed Temporary Rule published on the OAH website: August 26, 2025

c. Public Hearing date: September 4, 2025

d. Comment Period: August 26, 2025 through September 19, 2025

e. Notice pursuant to G.S. 150B-21.1(a3)(2): August 19, 2025

f. Adoption by agency on: September 30, 2025

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
- ☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ Other:

Explain:

See attached.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

See attached.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Kyle Heuser

Phone:

919.647.0100

E-Mail:

kyle.heuser@ncdoi.gov

Agency contact, if any:

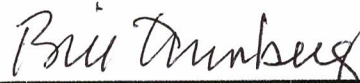
Joseph Starling

Phone:

919.397.6159

E-Mail: joseph.starling@ncdoi.gov

10. Signature of Agency Head*:



* 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:

Bill Thunberg

Title:

Chair

E-Mail: billthunberg@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

Justification for Temporary Rulemaking

The Code Officials Qualification Board (COQB) recently adopted amendments to 11 NCAC 08 .0706 and adopted 11 NCAC 08 .0737 through .0741 as new rules to implement a “dual track” certification system for code officials beginning January 1, 2025. This system provides a “grandfathering” period under which a Level I or Level II code official certified before January 1, 2025 is authorized to inspect different types of structures and systems than a Level I or II code official certified on or after that date.

After the adoption of these rules, the Office of the State Fire Marshal (OSFM) – which provides staff support to the COQB – learned that its current certification database cannot accommodate this dual track certification structure. Specifically, the system cannot assign different scopes of inspection authority to inspectors with the same level designation based on their certification date.

As a result, OSFM has been forced to manually track the certification scopes of newly certified inspectors. Manual tracking presents an immediate and unforeseen threat to the public health, safety, and welfare for several reasons:

1. **Risk of Improper Inspection Assignments** – Without reliable system controls, there is a significant risk that newly certified inspectors could be assigned to perform inspections outside their authorized scope. Such inspections may overlook critical code requirements, leading to unsafe construction, undetected hazards, and potential injury or property damage.
2. **Potential for Incorrect Certifications** – Manual processing increases the likelihood of clerical or data entry errors. An inspector might be issued an incorrect certification level in the database, which could allow them to perform inspections they are not qualified to conduct.
3. **Liability and Enforcement Problems** – If unqualified inspections occur, it could expose local governments and the State to liability for unsafe structures and undermine enforcement actions when improper work is challenged in court.
4. **Loss of Public Confidence** – The inability to accurately certify and track code official qualifications could erode public trust in the building code enforcement system and in the COQB’s oversight of inspector competency.

The IT limitation was not known to the Board during the rulemaking process, and OSFM requires time to design a new certification database or procure one from a vendor. Until the technology solution is in place, it is necessary to temporarily amend the affected rules to delay the dual track provisions, thus preventing confusion, error, and unsafe inspection assignments.

Temporary rulemaking is therefore required to address this unforeseen threat to the public health, safety, and welfare and to maintain the integrity of the State’s building inspection program.

11 NCAC 08 .0739 is amended under temporary procedures as follows:

11 NCAC 08 .0739 MECHANICAL INSPECTOR LEVEL I, II AND III

(a) A Mechanical Inspector, Level ~~I~~ (Residential), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code.

(b) A Mechanical Inspector, Level ~~II, (Commercial)~~ II (Commercial), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code.

(c) A Mechanical Inspector, Level III, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code, North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code for any residential or commercial building or structure.

(d) Mechanical Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)(e)~~ Mechanical Inspector, Level I. A standard certificate, mechanical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I mechanical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) An H-1, H-2, or H-3 Class I license as a mechanical contractor;
- (6) At least two years of mechanical installation or inspection experience while working under a Class I H-1, H-2, or H-3 licensed mechanical contractor; or
- (7) At least one year of experience with a probationary Level I mechanical inspection certificate inspecting mechanical installations on a minimum of two Level I buildings.

~~(e)(f)~~ Mechanical Inspector, Level II. A standard certificate, mechanical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;
- (2) A four-year degree from an accredited college or university in mechanical engineering or mechanical construction;
- (3) A four-year degree from an accredited college or university and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;
- (4) A two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;
- (5) An H-1, H-2, or H-3 Class I license as a mechanical contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of mechanical inspection experience including one year of inspection experience with a probationary Level II mechanical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

- 1 (7) At least three years of mechanical design, construction, or inspection experience on a minimum of
2 two Level II buildings while working under the direct supervision of a licensed professional
3 engineer or licensed Class I H-1, H-2, or H-3 mechanical contractor, with a supporting letter from
4 the applicant's supervisor which complies with Rule .0706(b) of this Section; or
5 (8) At least one year of experience with a probationary Level II mechanical inspection certificate
6 inspecting mechanical installations on a minimum of two Level II buildings.
7 ~~(f)~~(g) Mechanical Inspector, Level III. A standard certificate, mechanical inspector, Level III shall be issued to any
8 applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the
9 applicant possesses one of the following:
10 (1) A license as a professional engineer, with design, construction, or inspection experience on Level
11 III buildings and specialization in mechanical engineering;
12 (2) A four-year degree from an accredited university in mechanical engineering or mechanical
13 construction and at least one year of mechanical design, installation, or inspection experience
14 while working under the direct supervision of a certified mechanical inspector III, licensed
15 professional engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor at least at the
16 level of supervisor in responsible charge of a minimum of two Level III buildings;
17 (3) A two-year degree from an accredited college or university in mechanical engineering or
18 mechanical construction and at least three years of mechanical design, installation, or inspection
19 experience while working under the direct supervision of a certified mechanical inspector III,
20 licensed professional engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor with
21 at least one year at the level of supervisor in responsible charge of a minimum of two Level III
22 buildings;
23 (4) H-1, H-2, and H-3 Class I licenses as a mechanical contractor with experience on a minimum of
24 two Level III buildings;
25 (5) At least four years of mechanical inspection experience including one year of inspection
26 experience with a probationary Level III mechanical inspection certificate on a minimum of two
27 Level III buildings while working under the direct supervision of a certified mechanical inspector
28 III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of
29 this Section;
30 (6) At least four years of mechanical design, construction, or inspection experience while working
31 under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, and
32 H-3 mechanical contractor, two years of which have been performed at the level of supervisor in
33 responsible charge of a minimum of two Level III buildings, with a supporting letter from the
34 applicant's supervisor which complies with Rule .0706(b) of this Section; or
35 (7) At least one year of experience with a probationary Level III mechanical inspection certificate
36 inspecting the mechanical installations of a minimum of two Level III buildings.
37

38 *History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;*
39 *Eff. February 1, 2025.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Code Officials Qualification Board

2. Rule citation & name:

11 NCAC 08 .0740 PLUMBING INSPECTOR LEVEL I, II AND III

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

☒ No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: August 19, 2025

b. Proposed Temporary Rule published on the OAH website: August 26, 2025

c. Public Hearing date: September 4, 2025

d. Comment Period: August 26, 2025 through September 19, 2025

e. Notice pursuant to G.S. 150B-21.1(a3)(2): August 19, 2025

f. Adoption by agency on: September 30, 2025

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
- ☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ Other:

Explain:

See attached.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

See attached.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Kyle Heuser

Phone:

919.647.0100

E-Mail:

kyle.heuser@ncdoi.gov

Agency contact, if any:

Joseph Starling

Phone:

919.397.6159

E-Mail: joseph.starling@ncdoi.gov

10. Signature of Agency Head*:

Bill Thunberg

* 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:

Bill Thunberg

Title:

Chair

E-Mail: billthunberg@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

Justification for Temporary Rulemaking

The Code Officials Qualification Board (COQB) recently adopted amendments to 11 NCAC 08 .0706 and adopted 11 NCAC 08 .0737 through .0741 as new rules to implement a “dual track” certification system for code officials beginning January 1, 2025. This system provides a “grandfathering” period under which a Level I or Level II code official certified before January 1, 2025 is authorized to inspect different types of structures and systems than a Level I or II code official certified on or after that date.

After the adoption of these rules, the Office of the State Fire Marshal (OSFM) – which provides staff support to the COQB – learned that its current certification database cannot accommodate this dual track certification structure. Specifically, the system cannot assign different scopes of inspection authority to inspectors with the same level designation based on their certification date.

As a result, OSFM has been forced to manually track the certification scopes of newly certified inspectors. Manual tracking presents an immediate and unforeseen threat to the public health, safety, and welfare for several reasons:

1. **Risk of Improper Inspection Assignments** – Without reliable system controls, there is a significant risk that newly certified inspectors could be assigned to perform inspections outside their authorized scope. Such inspections may overlook critical code requirements, leading to unsafe construction, undetected hazards, and potential injury or property damage.
2. **Potential for Incorrect Certifications** – Manual processing increases the likelihood of clerical or data entry errors. An inspector might be issued an incorrect certification level in the database, which could allow them to perform inspections they are not qualified to conduct.
3. **Liability and Enforcement Problems** – If unqualified inspections occur, it could expose local governments and the State to liability for unsafe structures and undermine enforcement actions when improper work is challenged in court.
4. **Loss of Public Confidence** – The inability to accurately certify and track code official qualifications could erode public trust in the building code enforcement system and in the COQB’s oversight of inspector competency.

The IT limitation was not known to the Board during the rulemaking process, and OSFM requires time to design a new certification database or procure one from a vendor. Until the technology solution is in place, it is necessary to temporarily amend the affected rules to delay the dual track provisions, thus preventing confusion, error, and unsafe inspection assignments.

Temporary rulemaking is therefore required to address this unforeseen threat to the public health, safety, and welfare and to maintain the integrity of the State’s building inspection program.

11 NCAC 08 .0740 is amended under temporary procedures as follows:

11 NCAC 08 .0740 PLUMBING INSPECTOR LEVEL I, II AND III

(a) A Plumbing Inspector, Level ~~I~~^{II} (Residential), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units in accordance with the provisions of the North Carolina Residential Code, including NFPA 13D residential sprinkler systems.

(b) A Plumbing Inspector, Level ~~II~~^{II} (Commercial), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height.

(c) A Plumbing Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure.

(d) Plumbing Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)(e)~~ Plumbing Inspector, Level I. A standard certificate, plumbing inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A Class I license as a plumbing contractor;
- (6) At least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or
- (7) At least one year of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.

~~(e)(f)~~ Plumbing Inspector, Level II. A standard certificate, plumbing inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;
- (2) A four-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction;
- (3) A four-year degree from an accredited college or university and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed professional engineer, or licensed Class I plumbing contractor;
- (4) A two-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed professional engineer, or licensed Class I plumbing contractor;
- (5) A Class I license as a plumbing contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of plumbing inspection experience including one year of inspection experience with a probationary Level II plumbing inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

- 1 (7) At least three years of plumbing design, construction, or inspection experience on a minimum of
2 two Level II buildings while working under the direct supervision of a licensed professional
3 engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's
4 supervisor which complies with Rule .0706(b) of this Section; or
5 (8) At least one year of experience with a probationary Level II plumbing inspection certificate
6 inspecting plumbing installations on a minimum of two Level II buildings.
7 ~~(f)~~(g) Plumbing Inspector, Level III. A standard certificate, plumbing inspector, Level III shall be issued to any
8 applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the
9 applicant possesses one of the following:
10 (1) A license as a professional engineer with design, construction, or inspection experience on Level
11 III buildings and specialization in mechanical engineering;
12 (2) A four-year degree from an accredited university in mechanical engineering or mechanical or
13 plumbing construction and at least one year of plumbing design, installation, or inspection
14 experience while working under the direct supervision of a certified plumbing inspector III,
15 licensed professional engineer, or licensed Class I plumbing contractor at least at the level of
16 supervisor in responsible charge of a minimum of two Level III buildings;
17 (3) A two-year degree from an accredited college or university in mechanical engineering or plumbing
18 construction and at least three years of plumbing design, installation, or inspection experience
19 while working under the direct supervision of a certified plumbing inspector III, licensed
20 professional engineer, or licensed Class I plumbing contractor, with at least one year at the level of
21 supervisor in responsible charge of a minimum of two Level III buildings;
22 (4) A Class I license as a plumbing contractor with experience on a minimum of two Level III
23 buildings;
24 (5) At least four years of plumbing inspection experience including one year of inspection experience
25 with a probationary Level III plumbing inspection certificate on a minimum of two Level III
26 buildings while working under the direct supervision of a certified plumbing inspector III, with a
27 supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this
28 Section;
29 (6) At least four years of plumbing design, construction, or inspection experience while working
30 under the direct supervision of a licensed professional engineer or licensed Class I plumbing
31 contractor, two years of which have been performed at the level of supervisor in responsible
32 charge of a minimum of two Level III buildings, with a supporting letter from the applicant's
33 supervisor which complies with Rule .0706(b) of this Section; or
34 (7) At least one year of experience with a probationary Level III plumbing inspection certificate
35 inspecting the plumbing installations of a minimum of two Level III buildings.
36

37 *History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;*
38 *Eff. February 1, 2025.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

North Carolina Code Officials Qualification Board

2. Rule citation & name:

11 NCAC 08 .0741 FIRE INSPECTOR LEVEL I, II AND III

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule: ☐ Yes

☒ No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: August 19, 2025

b. Proposed Temporary Rule published on the OAH website: August 26, 2025

c. Public Hearing date: September 4, 2025

d. Comment Period: August 26, 2025 through September 19, 2025

e. Notice pursuant to G.S. 150B-21.1(a3)(2): August 19, 2025

f. Adoption by agency on: September 30, 2025

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

☒ A serious and unforeseen threat to the public health, safety or welfare.

☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.

Cite:

Effective date:

☐ A recent change in federal or state budgetary policy.

Effective date of change:

☐ A recent federal regulation.

Cite:

Effective date:

☐ A recent court order.

Cite order:

☐ Other:

Explain:

See attached.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

See attached.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Kyle Heuser

Phone:

919.647.0100

E-Mail:

kyle.heuser@ncdoi.gov

Agency contact, if any:

Joseph Starling

Phone:

919.397.6159

E-Mail: joseph.starling@ncdoi.gov

10. Signature of Agency Head*:



* 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:

Bill Thunberg

Title:

Chair

E-Mail: billthunberg@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

Justification for Temporary Rulemaking

The Code Officials Qualification Board (COQB) recently adopted amendments to 11 NCAC 08 .0706 and adopted 11 NCAC 08 .0737 through .0741 as new rules to implement a “dual track” certification system for code officials beginning January 1, 2025. This system provides a “grandfathering” period under which a Level I or Level II code official certified before January 1, 2025 is authorized to inspect different types of structures and systems than a Level I or II code official certified on or after that date.

After the adoption of these rules, the Office of the State Fire Marshal (OSFM) – which provides staff support to the COQB – learned that its current certification database cannot accommodate this dual track certification structure. Specifically, the system cannot assign different scopes of inspection authority to inspectors with the same level designation based on their certification date.

As a result, OSFM has been forced to manually track the certification scopes of newly certified inspectors. Manual tracking presents an immediate and unforeseen threat to the public health, safety, and welfare for several reasons:

1. **Risk of Improper Inspection Assignments** – Without reliable system controls, there is a significant risk that newly certified inspectors could be assigned to perform inspections outside their authorized scope. Such inspections may overlook critical code requirements, leading to unsafe construction, undetected hazards, and potential injury or property damage.
2. **Potential for Incorrect Certifications** – Manual processing increases the likelihood of clerical or data entry errors. An inspector might be issued an incorrect certification level in the database, which could allow them to perform inspections they are not qualified to conduct.
3. **Liability and Enforcement Problems** – If unqualified inspections occur, it could expose local governments and the State to liability for unsafe structures and undermine enforcement actions when improper work is challenged in court.
4. **Loss of Public Confidence** – The inability to accurately certify and track code official qualifications could erode public trust in the building code enforcement system and in the COQB’s oversight of inspector competency.

The IT limitation was not known to the Board during the rulemaking process, and OSFM requires time to design a new certification database or procure one from a vendor. Until the technology solution is in place, it is necessary to temporarily amend the affected rules to delay the dual track provisions, thus preventing confusion, error, and unsafe inspection assignments.

Temporary rulemaking is therefore required to address this unforeseen threat to the public health, safety, and welfare and to maintain the integrity of the State’s building inspection program.

11 NCAC 08 .0741 is amended under temporary procedures as follows:

11 NCAC 08 .0741 FIRE INSPECTOR LEVEL I, II AND III

(a) A Fire Inspector, Level I, certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties of operational permit issuance, field inspection, and related code enforcement activities for existing Assembly (limited to 1 story, 20,000 sf), Business, Mercantile, Residential, Utility and Miscellaneous occupancies, and other existing facilities, premises, and structures within those occupancies as required. A Fire Inspector Level I is not authorized to conduct inspections on high-rise buildings, inspections on new construction, or plan review for any occupancy.

(b) A Fire Inspector, Level II, certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy and code-enforcement activities for existing building occupancies and new construction. A Fire Inspector, Level II, is limited to Assembly, Business, Educational, Factory-Industrial, Mercantile, Residential, Storage, Utility and Miscellaneous, and other facilities, premises, and structures within those occupancies as required. A Fire Inspector, Level II, is not authorized to conduct plan review or inspections of high-rise buildings, institutional, or hazardous occupancies.

(c) A Fire Inspector, Level III, shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy, and related code-enforcement activities for any existing or new occupancy classification and other facilities, premises, and structures within those occupancies as required.

(d) Fire Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(1) of this Section until December 31, 2032.

~~(d)(e)~~ The level of certification required for buildings with multiple occupancy classifications shall be assigned based on the highest level required as indicated in Paragraphs (a) through (c) of this Rule.

~~(e)(f)~~ Fire Inspector, Level I. A standard certificate, fire inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A one-year diploma in fire science from an accredited college or an equivalent certificate of completion from an apprenticeship or trade school program in fire science;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified fire inspector Level I, II, or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, licensed architect, or licensed building, electrical, or fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A license as a fire sprinkler contractor;
- (6) At least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;
- (7) At least one year of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;
- (8) At least four years of experience in fire suppression activities for a city, county, volunteer, or other governmental fire department; or
- (9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

~~(f)(g)~~ Fire Inspector, Level II. A standard certificate, fire inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer or architect;
- (2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science;

- (3) A four-year degree from an accredited college or university and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
 - (4) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, construction management or fire science and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II building fire protection systems while working under the direct supervision of a certified fire inspector Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
 - (5) A license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;
 - (6) At least three years of fire inspection experience including at least one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (7) At least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (8) At least one year of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or
 - (9) Completion of the basic, intermediate, and advanced classes of the North Carolina Fire Prevention School with at least three years of fire inspection experience in Level II buildings.
- ~~(g)~~(h) Fire Inspector, Level III. A standard certificate, fire inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:
- (1) A license as a professional engineer or architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
 - (2) A four-year degree from an accredited college or university in civil, architectural, construction management or fire protection engineering and at least one year of fire inspection experience while working under a certified fire inspector III, licensed professional engineer, architect, or licensed fire sprinkler contractor on a minimum of two Level III buildings;
 - (3) A two-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or inspection experience while working under the direct supervision of a certified fire inspector Level III, licensed professional engineer, architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;
 - (4) A license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;
 - (5) At least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector Level III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (6) At least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
 - (7) At least one year of experience with a probationary Level III fire inspection certificate conducting fire inspections on a minimum of two Level III buildings.

1 *History Note:* *Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;*
2 *Eff. February 1, 2025.*