

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days. For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 11 – DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Office of State Fire Marshal intends to adopt the rule cited as 11 NCAC 05A .1001.

Codifier of Rules received for publication the following notice and proposed temporary rule on: December 23, 2024.

Public Hearing:

Date: January 27, 2025

Time: 10:00 a.m.

Location: Office of the State Fire Marshal, 1429 Rock Quarry Rd., Suite 105, Raleigh, NC 27610

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare. Pursuant to Section 1 F.4 of S.L. 2024-57, the North Carolina Office of the State Fire Marshal (OSFM) proposes to adopt 11 NCAC 05A .1001 under temporary procedures to assist the Federal Emergency Management Agency's efforts to install transportable temporary housing units (TTHUs) to house displaced survivors of Hurricane Helene in Western North Carolina. FEMA's TTHUs are installed by contractors in accordance with each unit's manufacturer's installation instructions and applicable State building codes. However, FEMA's contractors are faced with a broad range of geographical challenges and other factors that make it difficult for them to set up TTHUs - particularly with respect to utility service connections (i.e., electrical wiring and plumbing) and foundations (i.e., setup, piers, footing, etc.) - in accordance with the North Carolina State Building Code. These challenges in turn make it very difficult for local inspectors to consistently and uniformly inspect these structures for compliance with the North Carolina State Building Code. This rule allows alternative methods for installing TTHUs to enable FEMA to provide temporary housing safely and effectively.

Comment Procedures: Comments from the public shall be directed to: Kyle Heuser, Office of State Fire Marshal, 1429 Rock Quarry Rd., Suite 105, Raleigh, NC 27610; phone (919) 647-0100; email OSFM.Rulemaking@ncdoi.gov. The comment period begins December 27, 2024 and ends January 31, 2025.

CHAPTER 05 - OFFICE OF STATE FIRE MARSHAL

SUBCHAPTER 05A - FIRE AND RESCUE

SECTION .1000 – DISASTER RESPONSE AND RECOVERY

11 NCAC 05A .1001 FEDERAL EMERGENCY MANAGEMENT AGENCY-OWNED TRANSPORTABLE TEMPORARY HOUSING UNITS

(a) Federal Emergency Management Agency ("FEMA")-owned transportable temporary housing units shall be installed in accordance with the manufacturer's installation instructions and the North Carolina State Building Code. Such housing units may use the following alternative methods for the installation of the structures and their foundations:

- (1) Footings for piers may be placed on the surface grade in lieu of the frostline depth where the grade under the footing is undisturbed or a compaction test is provided, and the underpinning encapsulates the entirety of the open space between the floor of the structure and the grade.
- (2) Longitudinal and lateral bracing systems may be used where pier footings are placed on grade surface, the height limitations described in the manufacturer instructions of the bracing system are not exceeded, and the four corners of the structure are provided with tie down strapping.
- (3) Positive drainage may be omitted where the grade under the structure contains no low areas or holes where water may accumulate.
- (4) Exterior landings for stairs not exceeding 36 square feet may be regulated by the applicable North Carolina Regulations for Manufactured Homes in lieu of the applicable North Carolina Residential Code.
- (5) Exterior landings for stairs may be omitted where the stairs are constructed in accordance with either the applicable North Carolina Regulations for Manufactured Homes or the applicable North Carolina Residential Code. If an exterior landing is omitted, the stair system shall have cross members on the structure side of the system for lateral support and all corners of the stair system shall be supported underneath by solid concrete blocks no less than four inches thick.

(b) External electrical systems used to supply power to FEMA-owned transportable temporary housing units and their equipment shall conform to the North Carolina Electrical Code. Such electrical systems may use the following alternative methods:

- (1) Electrical conduits may be installed without burial or further protection in the horizontal area between the electrical pedestal and the structure when such area is three feet or less.
- (2) Electrical conduits may be installed on top of the grade without burial where the conduit is boxed in with building materials, the covering is secured with driven stakes and supported to the grade no less than every five feet and at

every direction of a bend to prevent movement, the covering is painted orange and orange paint is reapplied to the covering every 60 days, and the lumber used for the building materials is treated.

- (3) Ridged metal conduits may be installed on top of the grade without burial, supporting, or covering with building materials if the conduit is painted orange and orange paint is reapplied to the conduit every 60 days.
- (4) Recreational Vehicles, as that term is defined in G.S. 20-4.01(32b), may be hardwired directly to electrical equipment using wiring in non-flexible conduits rather than a plug-and-cap.
- (5) Any temporary electrical service or pedestal may utilize a single ground rod without a supplemental ground electrode where the service or pedestal is used exclusively for the connection of a FEMA-owned transportable temporary housing unit or its accessory structure and equipment, all ungrounded circuits do not exceed 150 volts to ground, and the rating of the single disconnecting means, or the summation of the ratings of multiple overcurrent devices that serve together as the disconnecting means, does not exceed 100 amperes.

(c) External plumbing systems for connection to FEMA-owned transportable temporary housing units and their equipment shall conform to the North Carolina Residential Code and the North Carolina Plumbing Code. Such plumbing systems may use the following alternative methods:

- (1) Water service and distribution pipes may be installed on top of grade where both sides of the piping are secured with driven stakes and supported to the grade no less than every five feet and at every direction of a bend to prevent movement, electrical self-regulating pipe heating cable is installed with the piping, piping insulation to prevent freezing encapsulates the piping and heating cable, and the piping insulation is painted orange and orange paint is reapplied to the piping insulation every 60 days.
- (2) Drain-waste-vent pipes for the building drain and sewer may be installed on top of grade where both sides of the piping are secured with driven stakes and supported to the grade no less than every five feet and at every direction of a bend to prevent movement, and the piping or its insulation where applicable is painted orange and orange paint is reapplied to the piping or its insulation every 60 days.
- (3) Drain-waste-vent pipes for the building drain and sewer installed on top of grade must be installed utilizing either a slope in accordance with the applicable North Carolina Plumbing Code or a sewage grinder pump including electrical self-regulating pipe heating cable and piping insulation to prevent freezing.
- (4) Where sewage grinder pumps are installed, the pump and tank shall be accessible for service, the pump tank shall be insulated with a box constructed from building materials and foam board of at least one and one-half (1 1/2) inches thick, and the lumber used for the building materials shall be treated.

History Note: Authority G.S. 58-78A-2; S.L. 2024-57, s. 1F.4.