

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 Code Officials Qualification Board intends to adopt the rule cited as 11 NCAC 08 .0735.

Codifier of Rules approved this Rule as an emergency rule effective November 1, 2024 and received for publication the following notice and proposed temporary rule on: October 23, 2024.

Public Hearing:

Date: November 13, 2024

Time: 10:00 a.m.

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

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare. Pursuant to G.S. 143-151.13(d), the North Carolina Code Officials Qualification Board proposes to adopt 11 NCAC 08 .0735 under emergency and temporary procedures to assist code-enforcement officials' efforts to contribute to the recovery of Western North Carolina from damage caused by Hurricane Helene. The rule allows the Board to issue temporary certificates to code-enforcement officials with probationary certificates so that they may remain active and employed while assisting with preliminary damage assessments and building evaluations in Western North Carolina.

Comment Procedures: Comments from the public shall be directed to: Kyle Heuser, Office of State Fire Marshall, 1429 Rock Quarry Rd., Raleigh, NC 27610; phone (919) 647-0100; email OSFM.Rulemaking@ncdoi.gov. The comment period begins October 30, 2024 and ends November 21, 2024.

CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION

SECTION .0700 - QUALIFICATION BOARD-STANDARD CERTIFICATE

11 NCAC 08 .0735 TEMPORARY CERTIFICATE

(a) A temporary certificate shall be issued without examination or additional application to any code-enforcement official who currently possesses a probationary certificate that expires between October 1, 2024 and October 1, 2025. The application the code-enforcement official initially submitted to obtain the probationary certificate shall provide the basis for issuing the temporary certificate.

(b) A temporary certificate shall authorize the code-enforcement official, during the effective period of the certificate, to hold the position of the type, level, and location that corresponds to the probationary certificate the applicant previously received. The certificate shall specify the type and level of code enforcement in which the code-enforcement official may engage and may be conditioned upon his or her having supervision from an official with the specified certification or qualifications included on the code-enforcement official's probationary certificate application.

(c) The temporary certificate shall be effective for a period of two years and shall not be renewed. During this period of time, the code-enforcement official shall complete the requirements set forth in the rules in this Subchapter to qualify for the appropriate standard certificate.

(d) A code-enforcement official who is issued a temporary certificate that the code-enforcement official no longer needs or wants shall return the temporary certificate, within 30 days, to the Engineering and Building Codes Division of the Office of State Fire Marshal for cancellation.

(e) A temporary certificate shall remain valid only so long as the person certified is employed by the State or a local government as a code-enforcement official of the type and level indicated on the certificate. If the person certified leaves such employment for any reason, he shall return the certificate to the Board.

(f) A code-enforcement official with only a temporary certificate and no standard or limited certificate is not required to complete any continuing education courses.

Authority G.S. 143-151.12; 143-151.13.