

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 that the Code Officials Qualification Board intends to amend the rule cited as 11 NCAC 08 .0602.

Codifier of Rules approved this rule as an emergency rule effective November 6, 2025 and received for publication the following notice and proposed temporary rule(s) on: October 29, 2025.

Public Hearing:

Date: November 21, 2025

Time: 10:00 a.m.

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

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public health, safety or welfare. The North Carolina Code Officials Qualification Board finds that temporary rulemaking is required to address a serious and unforeseen threat to public health, safety, and welfare created by the current language of 11 NCAC 08 .0602(a)(4). This provision allows an applicant to qualify for a probationary Level III code enforcement certificate solely by passing a community college course examination, without satisfying the experience or examination requirements established by the Board for Level I, II, or III standard certificates, and without first obtaining a Level I or Level II probationary certificate.

Under the existing rule, an individual with only a high school diploma or equivalent could obtain a probationary Level III certificate and immediately perform inspections of complex and high-risk structures such as high-rise buildings, major assembly occupancies, and advanced mechanical, electrical, and fire protection systems (depending upon the trade associated with the Level III probationary certificate). These inspections require advanced technical knowledge and a demonstrated understanding of the North Carolina State Building Code that cannot be verified through a community college course grade.

Because G.S. 143-151.13 authorizes the holder of a probationary certificate to exercise the powers of a code enforcement official during the certificate's effective period, the current rule allows individuals who have not demonstrated adequate qualifications or competency to perform critical inspection duties. This presents an immediate threat to life safety and the integrity of the North Carolina State Building Code enforcement system, and was unforeseen by the Board because it lacked, at the time it adopted the most recent amendment to 11 NCAC 08 .0602(a)(4), the understanding that community colleges allow any individual to register for and take a level III inspector course without having taken any prior level I or level II inspector courses and without any relevant prior experience in the field. Temporary rulemaking is therefore necessary to promptly delete Subparagraph (a)(4) while permanent rulemaking proceeds under the standard notice and hearing procedures.

Comment Procedures: Comments from the public shall be directed to: Kyle Heuser, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, NC 27699-1202; email OSFM.Rulemaking@ncdoi.gov. The comment period begins October 30, 2025 and ends November 24, 2025.

CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION

SECTION .0600 - QUALIFICATION BOARD-PROBATIONARY CERTIFICATE

11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE

(a) A probationary certificate may be issued as a building inspector, electrical inspector, mechanical inspector, plumbing inspector, or fire inspector, as set forth in the rule in this Chapter specific to the type of probationary certificate being sought, to any newly employed or newly promoted code-enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rule in this Chapter specific to the type of probationary certificate being sought to qualify for the appropriate standard certificate. A probationary certificate shall authorize the official, during the effective period of the certificate, to hold the position of the type, level, and jurisdiction specified. A probationary certificate may be placed on inactive status by written request. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code for the probationary certificate held. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and meeting one of the following:

- (1) working under supervision sufficient, as determined by a supporting letter provided for in 11 NCAC 08 .0706(b), to protect the public health and safety;
- (2) possessing a minimum of one year of design, construction, or inspection experience working under a certified inspector or under a licensed professional engineer, licensed architect, licensed contractor, or registered interior designer; or

- (3) possessing one of the education or experience qualifications listed in the rule in this Chapter specific to the area of code enforcement for which the probationary certificate is ~~issued; or issued.~~
- (4) ~~making a passing grade of at least 70 percent on courses for certification in building, electrical, fire, mechanical, or plumbing inspection at levels I, II, or III in each area of code enforcement for which the probationary certificate is issued.~~

(b) A probationary certificate as a residential changeout inspector set forth in 11 NCAC 08 .0734 may be issued to any employed code-enforcement official, whose employment can be verified pursuant to 11 NCAC 08 .0734(d)(2), who lacks a standard certificate as a residential changeout inspector and who successfully completes a residential changeout inspections course set forth in 11 NCAC 08 .0734(c)(3). A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rules in this Chapter, specific to an area of code enforcement, to qualify for the corresponding standard certificate. A probationary certificate as a residential changeout inspector shall authorize the inspector, during the effective period of the certificate, to hold the position set forth in 11 NCAC 08 .0734(a). A probationary certificate may be placed on inactive status by written request. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The probationary certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and working under the direct supervision of a person who possesses, or persons who collectively possess, standard certificates as an electrical inspector III, mechanical inspector III, and plumbing inspector III, or an individual holding a residential changeout inspector certificate and five years of code enforcement experience.

Authority G.S. 143-151.12(1); 143-151.12(2); 143-151.13.