



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

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May 22, 2020

Carl Martin, Rulemaking Coordinator  
Building Code Council  
**Sent via email only: [carl.martin@doi.gov](mailto:carl.martin@doi.gov)**

Re: Residential Code, N1106.2 (R406.2);  
Energy Conservation Code, R202; and  
Energy Conservation Code R406.2.

Dear Mr. Martin:

At its meeting on May 21, 2020, the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The RRC objected to these Rules for failure to comply with the APA. Specifically, the agency stated that no fiscal note was required for these Rules in its Notice of Text, published May 15, 2019. Pursuant to G.S. 150B-21.9(a), following a request from the public, the RRC sent the rules to the Office of State Budget Management (OSBM) to determine if these rules created a substantial economic impact. In a letter dated May 11, 2020, OSBM stated that fiscal note was required for these three rules.

Therefore, pursuant to G.S. 150B-21.4(b1) and 150B-21.9(a)(4), the RRC found that the agency did not comply with the APA.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Amanda J. Reeder  
Commission Counsel

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