Subject: FW: September 2019 Meeting - Items D-7, D-8 & D-9

From: Martin, Carl <Carl.Martin@ncdoi.gov>
Sent: Tuesday, July 14, 2020 3:49 PM
To: Reeder, Amanda J <amanda.reeder@oah.nc.gov>
Subject: RE: September 2019 Meeting - Items D-7, D-8 & D-9

Yes. The proponent for these items is planning to make a new submittal for Building Code Council at their September 2020 meeting.

Carl Martin
Chief Code Consultant

N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0009

"Consistency" as defined by Miriam Webster – "harmony of conduct or practice with profession"

From: Reeder, Amanda J <amanda.reeder@oah.nc.gov>
Sent: Tuesday, July 14, 2020 3:16 PM
To: Martin, Carl <Carl.Martin@ncdoi.gov>
Cc: Reeder, Amanda J <amanda.reeder@oah.nc.gov>
Subject: RE: September 2019 Meeting - Items D-7, D-8 & D-9

Carl:

Thank you for your email. Since this will be posted to the online agenda, I just want to be clear.

The Building Code Council is responding to the RRC's objection by withdrawing Residential Code N1106.2 (R406.2); Energy Conservation Code, R202; Energy Conservation Code, R406.2. As such, the rules will be returned to the agency.

Is that a correct statement of the expectation of the agency?

Thank you!

Amanda J. Reeder
Counsel to the Rules Review Commission
NC Office of Administrative Hearings
New Telephone Number Effective May 1, 2020: 984-236-1939

From: Martin, Carl <Carl.Martin@ncdoi.gov>
Sent: Tuesday, July 14, 2020 2:35 PM
To: Reeder, Amanda J <amanda.reeder@oah.nc.gov>
Cc: Hollis, Carrie <carrie.hollis@osbm.nc.gov>; rdavis1352@aol.com; priestarchitect@bellsouth.net; Isaac, Clifford <Cliff.Isaac@ncdoi.gov>; Holder, Karen <Karen.Holder@ncdoi.gov>
Subject: RE: September 2019 Meeting - Items D-7, D-8 & D-9

Amanda,

The NC Building Code Council (BCC) voted today to withdraw rules D-7, D-8 and D-9 of the September 2019 BCC meeting that are currently before the Rules Review Commission.

Carl Martin
Chief Code Consultant

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1202 Mail Service Center
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"Consistency" as defined by Miriam Webster – "harmony of conduct or practice with profession"

May 22, 2020

Carl Martin, Rulemaking Coordinator
Building Code Council
Sent via email only: 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