

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: All Codes and Amendments Submitted

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please confirm compliance with G.S. 143-136(c) and (d) where applicable.

Wherever terms are italicized in text of the Rule, please confirm that means it is a term defined elsewhere within the Code.

On all Submission for Permanent Rule forms, the date the rules were published was February 15, 2017. Please update this on Box 6.

For the adoptions to update the Codes to 2015 International Code editions, this isn't a petition for rulemaking, is it? Instead, isn't it based upon G.S. 143-138(d)? If so, please change the answer to Box 9B of the Form.

Wherever you are deleting parts of a list, please confirm that when you publish, the remaining items will be renumbered. If they will not, is that because you need to keep cross-references intact?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Energy Conservation Code

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made:

I note that "code" is not capitalized throughout this Code. So, I take it that it should remain lowercase everywhere is used as such?

So that I'm clear – this will be the 2018 Existing Building Code?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Commercial Energy Conservation Code, Chapter 1

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made:

C101.1: *Please insert the appropriate dates here.*

C101.5: *So that I'm clear, how will this interact with the exemption for existing buildings in G.S. 143-138(b15) and (b18)?*

C102.1, C103.3, C103.3.1, C103.3.2, C103.3.3, C103.4, C103.5, C104, C105, C107, C108, and C109: *I take it that when you are referring to the Administrative Code and Policies you are referring to this volume of the NC Building Code?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Commercial Energy Conservation Code, Chapter 2

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In "Building Thermal Envelope" and "Exterior Wall" why is the term "walls, below-grade" in quotation marks? In "Exterior Wall" the term "above-grade walls" is not italicized.

In "On-Site Renewable Energy" what is "small hdyro"?

Also, on the second to last line, should it be "on-site" (hyphenated) to be consistent with the definition?

In "Process Energy" should it be "in support of the manufacturing..."? If not, then should "process" be plural?

By changing "Registered Design Professional" to "Licensed Design Professional" won't you need to change the term everywhere it is used in this code? See for example C103.1.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Commercial Energy Conservation Code, Chapter 3

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

C301.3: *So that I'm clear, you will include these Tables in the published code?*

Figure C301.2: *What is this used for? Should this be referenced in C301.3?*

C303.1.3: *In the Exception, I take it that "Where required" will not be part of the code when published? If so, please remove it.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Commercial Energy Conservation Code, Chapter 4

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

401.2: *What is "COMcheck"?*

C403.2.4.2: *In Exception 3, shouldn't "Section" be capitalized to be consistent?*

Also, is this referring to C403.2.2? If not, what code are you referencing?

C403.2.9.1.1: *In Exception 2, please delete the errant bracket at the end of the line.*

Table C403.2.10: *To what part of the table do the Footnotes apply to? All of it? Should that be reflected in the table?*

C403.2.15: *So that I'm clear – are you going to retain the language regarding the preemption in the code? If so, please state "10 CFR 431.306"*

And this applies to C403.2.15 through 17?

C403.4.2.4: *Just checking – I thought the code didn't use commas in five digit numbers? Isn't this going to be "(87 930 W)"?*

C404.3: *Is this going to apply to all pipes, or just those larger than one-fourth of an inch, pursuant to G.S. 143-138(b10)(2)?*

C404.6: *I take it "conveniently" is known to your regulated public? And is this convenient to the owner/occupant?*

C404.9: *I take it that when you publish, "readily accessible" will be italicized, since it is defined in Chapter 2?*

And is the term "constantly burning"?

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C405.2.1: Is a “computer server room” the same as the defined term “computer room”? If so, why not use that term?

Please end all parts of the lists with periods in order to be consistent.

C405.2.5: Please underline the language on Page 130 of the packet, as this is being added.

C405.2.1: What is a “trade-off among building area types”? Does your regulated public know? I see that the code refers to “trade-offs” but I am not sure what the “among building area types” means.

Tables C405.5.2: In the IECC, these tables are listed as “C405.5.1” Is the renumbering here intentional?

C405.7: What is your authority to regulate transformers, given the language of G.S. 143-138(b8)(2)? If you are excluding those transformers owned by public utilities, should this be added to the list of exceptions?

C408.1: In the Exception, I see that you use the term “licensed design professional” but elsewhere in C408.1, you refer to a “registered design professional” I’d asked in Chapter 2 about changing the term. Do you need in that chapter to instead add a definition of “licensed design professional” rather than replacing “registered design professional”?

C408.2: Given the deletion, should the “Exceptions” now be “Exception”?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Commercial Energy Conservation Code, Chapter 5

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

C501.1: *I am just checking, but you don't usually add language like this. Do you need it here but not elsewhere in the code?*

C503.1.1: *Why is the table "C-402.4"? You don't use a hyphen elsewhere to refer to other parts of the Commercial Energy Code, including in the Exceptions below.*

C503.2: *What does this mean? Does your regulated public know?*

C504.2: *What is the purpose of the commentaries here? Are these commentaries contemplated by G.S. 143-138(d)?*

(d) Amendments of the Code. - The Council, through the Department of Insurance, shall publish in the North Carolina Register all appeal decisions made by the Council and all formal opinions at least semiannually. The Council, through the Department of Insurance, shall also publish at least semiannually in the North Carolina Register a statement providing the accurate Web site address and information on how to find additional commentary and interpretation of the Code.

If the purpose is the statute, why is it in this Chapter, rather than on the website?

Or is this the "written commentary" contemplated by G.S. 143-138.1(b), and posted on the website and in the Code?

§ 143-138.1. Introduction and instruction of the North Carolina Building Code; posting of written commentaries and interpretations on Department of Insurance Web site.

(a) Prior to the effective date of Code changes pursuant to G.S. 143-138, the State Building Code Council and Department of Insurance shall provide for instructional classes for the various trades affected by the Code. The Department of Insurance shall develop the curriculum for each class but shall consult the affected licensing boards and trade organizations. The curriculum shall include explanations of the rationale and need for each Code amendment or revision. Classes may also be conducted by, on behalf of, or in cooperation with licensing boards, trade associations, and

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professional societies. The Department of Insurance may charge fees sufficient to recover the costs it incurs under this section. The Council shall ensure that courses are accessible to persons throughout the State.

(b) The Department of Insurance shall post and maintain on its Web site written commentaries and written interpretations made and given by staff to the North Carolina Building Code Council and the Department for each section of the North Carolina Building Code. (1997-26, s. 6; 2013-118, s. 3.5.)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

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Commission Counsel
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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Commercial Energy Conservation Code, Appendix 1

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In reviewing these rules, the staff determined that the following technical changes need to be made:

This is a North Carolina addition, correct, in that it does not appear in the IECC?

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Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Residential Energy Conservation Code, Chapter 1

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

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R101.1: Please insert the appropriate dates here.

R101.5: So that I'm clear, how will this interact with the exemption for existing buildings in G.S. 143-138(b18)?

R102.1, R103.3, R103.3.1, R103.3.2, R103.3.3, R103.4, R103.5, R104, R105, R107, R108, and R109: I take it that when you are referring to the Administrative Code and Policies you are referring to this volume of the NC Building Code?

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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Residential Energy Conservation Code, Chapter 2

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In "CFM25" you state "Cubic Feet per minute" and in "CFM50" you state "Cubic Feet per Minute" Please be consistent with your capitalization.

In "HERS Rater" does your regulated public know how to sign up for and take the training and what a current certification is?

Will the term "Licensed Design Professional" be in addition to the use of the term "Registered Design Professional" or is it intended to be a replacement?

Also, please state "his or her"

In "On-Site Renewable Energy" what is "small hdyro"?

Also, on the second to last line, replace the comma after "production" with a period. And should it be "on-site" (hyphenated) to be consistent with the definition?

In "Semi-conditioned space" please replace "and/or" with "or" unless it would contradict other usages in the code.

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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Residential Energy Conservation Code, Chapter 3

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R301.3: *So that I'm clear, you will include these Tables in the published code?*

Figure R301.2: *What is this used for? Should this be referenced in R301.3?*

R303.1.3: *In the Exception, I take it that "Where required" will not be part of the code when published? If so, please remove it.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Residential Energy Conservation Code, Chapter 4

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In reviewing these rules, the staff determined that the following technical changes need to be made:

R401.3: *I suggest inserting "and the" before "U-factors"*

R402.1: *Given that you are deleting R402.1.1, should it read "Sections R402.1.2"? Or are you renumbering these when publishing?*

Table 402.1.2: *In Footnote a, I know this is in the IECC, but consider replacing "which" with "that"*

In Footnote d, insert a comma after "below grade" to be consistent with the line below.

In Footnote j, please be sure to insert a space between "U-factor" and "no"

In Footnote m, consider replacing the comma after "roof" with a semicolon.

In Footnote n, consider replacing "is deemed" with "shall be deemed" and "is not deemed" with "shall not be deemed"

Table R402.1.4: *In Footnote d, what is the "REScheck "UA Trade-off"? Does your regulated public know? Is this addressed by R402.1.5?*

R402.2.5: *Consider replacing "immediately following" with "meeting the following." I suggest putting the new language in a list. If you do not want to do a list, please be consistent and either separate all types of walls by periods or semicolons.*

R402.2.8: *In the Exception, should this read "An enclosed floor cavity... with an enclosed..."?*

R402.2.11: *What is an "energy penalty"? Does your regulated public know?*

In 2, what is the "North Carolina-specific version of RESCHECK"? Why is it the term in all caps here?

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402.1.14: Consider ending the list in 1-4 with punctuation, such as a period.

R402.3.4: In the Exception, the cross-reference is now R402.1.2, correct?

R402.3.5: In Exception 2, please insert a comma after “0.70”

R402.42.2: Insert a semicolon before “or” in 1

On Page 233 of the packet, consider stating “A single point depressurization test that is not temperature corrected shall be sufficient...” If that will not convey what you are saying, consider putting “not temperature corrected” in parenthesis.

What is a “certified BPI Envelope Professional”? Are you relying upon the definition in the NC Residential Code?

Table R402.4.2: When you publish, please be sure to insert a period after “finish” and “official” in the Ceiling/attic row. And insert a period after “envelope” in the Ceiling penetrations row.

In “Ceiling/Attic” delete the comma before “(for example,...)”

R402.5: In the Exception, what is the penalty? Does your regulated public know?

R403.1.2: Should this be “Exceptions” plural?

R403.3.1: Should there be a word after “R-8” and “R-4” like “value” or “insulation value”?

R403.3.2: When you publish, please be sure to change it to “Exception.”

R403.3.3: The language on Page 238 of the packet will not be added to the code, correct, but instead the language from the rulemaking petition?

R403.3.3.1: This sentence appears to be incomplete. Are you missing a verb? I note that R403.3.3.2 is written in an active voice and is clear; perhaps that would be a good model for this rule?

R403.7: Please replace “and/or” with “or” unless you need to retain this language to be consistent with the rest of the IECC.

R406: So that I’m clear – the intent is to replace R406.2 and R 406.5 that is on Pages 251 and 253 of the packet with the language in the separate rulemaking petition?

R406.6: Given the deletion of R406.6.3, shouldn’t this be changed to “Sections R406.6.1 and R406.6.2”?

R406.7: Given the deletions of R406.7.2 and 406.7.3, shouldn’t this read “Section R406.7.1.”?

R406.7.1: Is the intent is to not include “and shall include the following capabilities”?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Residential Energy Conservation Code, R403.3.3

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please verify that these changes are what is intended for the Code, rather than the version of the rules on Page 238 of the packet.

Also, please verify this is a change to the Residential Code.

In the third paragraph, where does the end quotation go after "Total duct leakage test"? You are missing one.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

403.3.3 Duct leakage (Perspective) and duct testing (Mandatory). Duct testing and duct leakage shall be verified by compliance with either Section 403.3.3.1 or 403.3.3.2. Duct testing shall be performed and reported by the permit holder, a NC licensed general contractor, a NC licensed HVAC contractor, a NC licensed Home Inspector, a registered design professional, a certified BPI Envelope Professional or a certified HERS rater. A single point depressurization, not temperature corrected, test is sufficient to comply with this provision, provided that the duct testing fan assembly(s) has been certified by the manufacturer to be capable of conducting tests in accordance with ASTM E1554-07.

The duct leakage information, including duct leakage test selected and result, tester name, date and contact information, shall be included on the certificate described in Section 401.3.

For the Test Criteria, the report shall be produced in the following manner: perform the HVAC system air leakage test and record the CFM25. Calculate the total square feet of Conditioned Floor Area (CFA) served by that system. Multiply CFM25 by 100, divide the result by the CFA and record the result. If the result is less than or equal to 5 CFM25/100SF for the "Total duct leakage test or less than or equal to 4CFM25/100SF for the "Duct leakage to the outside" test, then the HVAC system air tightness is acceptable. Appendix 3C contains optional sample worksheets for duct testing for the permit holder's use only.

Exceptions to testing requirements:

1. Duct systems or portions thereof inside the building thermal envelope shall not be required to be leak tested.
2. Installation of a partial system as part of replacement, renovation or addition does not require a duct leakage test.
3. Duct systems (complete) serving areas of 750 sq. ft. or less shall not need to be required to be leak tested.

The delayed effective date of this Rule is January 1, 2019.

The Statutory authority for Rule-making is G. S. 143-136; 143-138.

(Note: The remainder is part of the 2018 Code adoption package.)

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Residential Energy Conservation Code, R406

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please verify that these changes are what is intended for the Code, rather than the version of these rules beginning on Page 251 of the packet.

When you published the rulemaking petition in the NC Register, you allowed a "RESNET certified home energy rater" to do this, rather than a certified HERS rater. Did you decide after publication to not proceed with that part of the petition? How did you determine to add the HERS rater after publication?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

SECTION R406

ENERGY RATING INDEX COMPLIANCE ALTERNATIVE

R406.1 Scope. This section establishes criteria for compliance using an Energy Rating Index (ERI) analysis.

R406.2 Mandatory requirements.

Compliance with this section requires that the ~~mandatory~~ provisions identified in Sections ~~R401.2~~ R401 through R404 labeled as “mandatory” ~~and Section R403.5.3~~ be met. The building .2 thermal envelope shall be greater than or equal to levels of efficiency and Solar Heat Gain Coefficient in Table 402.1.1 or 402.1.3 of the ~~2009 International Energy Conservation Code~~ 2012 NC Energy Conservation Code. Minimum standards associated with compliance shall be the ANSI RESNET ICC Standard 301-2014 “Standard for the Calculation and Labeling of the Energy Performance of Low-Rise Residential Buildings using an Energy Rating Index.” A North Carolina licensed design professional or certified HERS rater is required to perform the analysis if required by North Carolina licensure laws.

Exception: ~~Supply and return ducts not completely inside the building thermal envelope shall be insulated to a minimum of R-6. Supply and return ducts in unconditioned space and outdoors shall be insulated to a minimum R-8. Supply ducts inside semi-conditioned space shall be insulated to a minimum R-4; return ducts inside conditioned and semi-conditioned space are not required to be insulated. Ducts located inside conditioned space are not required to be insulated other than as may be necessary for preventing the formation of condensation on the exterior of cooling ducts.~~

R406.5 Verification by approved agency.

Verification of compliance with Section R406 shall be performed by the *licensed design professional or certified HERS rater* and the compliance documentation shall be provided to the code official. ~~The code official shall inspect according to the requirements of Section R406.6.2 completed by an approved third party.~~

The delayed effective date of this Rule is January 1, 2019.

The Statutory authority for Rule-making is G. S. 143-136; 143-138.

(Note: All other strikethroughs/underlines are part of the 2018 Code adoption package.)

(Note: certified HERS rater = RESNET Certified Home Energy Rater)

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Residential Energy Conservation Code, Chapter 5

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In reviewing these rules, the staff determined that the following technical changes need to be made:

R501.1: *I am just checking, but you don't usually add language like this. Do you need it here but not elsewhere in the code?*

R503.1.1: *In Exception 7, should the reference to the tables be R402.1.2 and R402.1.4 and sections as R402.2.14 and R402.2.15?*

R503.1.1.1: *In the Exception, will "like or better" be known to your regulated public? Will the determination be based upon this code?*

C503.2: *What does this mean? Does your regulated public know?*

And how does this interact with G.S. 143-138(b5)?

R504.2: *What is the purpose of the commentaries here? Are these commentaries contemplated by G.S. 143-138(d)? If so, why is it in this Chapter, rather than on the website?*

Or is this the "written commentary" contemplated by G.S. 143-138.1(b), and posted on the website and in the Code?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Residential Energy Conservation Code, Appendix 3A

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made:

Table R402.4.2: When you publish, please be sure to insert a period after “finish” and “official” in the Ceiling/attic row. And insert a period after “envelope” in the Ceiling penetrations row.

In “Ceiling/Attic” delete the comma before “(for example,..)”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Residential Energy Conservation Code, Appendix 4

DEADLINE FOR RECEIPT: Wednesday, September 6, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made:

Table 4A: When you publish, please delete the errant quotation mark at the end of Footnote c.

In Footnote d, second line, please insert a comma before "whichever is less" to be consistent with the language on the third line.

Why are you deleting Footnote e, rather than simply omitting it?

In c., I recommend inserting a semicolon before "or" in (c)(i).

4D.2: Should the R403.3.3 be the same version that was adopted from the petition for rulemaking?

R403.3.3.1: This sentence appears to be incomplete. Are you missing a verb? I note that R403.3.3.2 is written in an active voice and is clear; perhaps that would be a good model for this rule?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 22, 2017