



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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September 18, 2014

Dan Tingen, Chairman
NC Building Code Council

Sent via electronic mail to: dan@tingen.com

Re: NC Building Code Council Proposed Temporary Rules
Energy Conservation and Residential Codes, Chapters 2, 4 and 11.

Mr. Tingen:

At its meeting this morning, the Rules Review Commission declined to approve the above-captioned temporary rules in accordance with G.S. 150B-21.1(b).

The Rules Review Commission found the Building Code Council did not meet the requirements for temporary rules as set forth in G.S. 150B-21.1(a), as the Council failed to state a serious and unforeseen threat to the public health, safety or welfare in its statement of the Findings of Need.

In addition, the Rules Review Commission objected to the proposed temporary rules in the Energy Conservation Code, Tables 402.1.1, 402.1.3, and Rules 402.3.5 and 402.5, as well as the Residential Code, Tables N1102.1, N1102.1.2, and Rules N1102.3.5 and N1102.5 based upon ambiguity. The Commission found the language allowing a permit holder to deviate from the standards based upon safety concerns of the specific individual without any guidance in the rules did not set clear standards in those Codes.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.1(b1) or (b2). If you have any questions regarding the Rule Review Commission's action, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

cc: Barry Gupton, Rulemaking Coordinator, Building Code Council

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