



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

2. Rule citation & name:

3. Action: ☐ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☐ No Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH:

b. Proposed Temporary Rule published on the OAH website:

c. Public Hearing date:

d. Comment Period:

e. Notice pursuant to G.S. 150B-21.1(a3)(2):

f. Adoption by agency on:

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ Other:

Explain:

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☐ No

9. Rule-making Coordinator:

Phone:

E-Mail:

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:

Brian Taylor

* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Title:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

previous, current, and future storm recovery programs. OSBM shall oversee and track the Office's budget, expenditures, and obligations through OSBM's Office of Internal Audit or appropriate combination of OSBM staff.

SECTION 1F.2.(d) Reporting. – In addition to the requirements of G.S. 147-64.5(a), the State Auditor shall furnish copies of any and all audits performed under this section to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division within 30 days of the completion of each audit. OSBM shall submit a quarterly report on the ongoing financial monitoring of the Office to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division in each quarter that the Office is expending State or federal funds for storm recovery efforts.

SECTION 1F.2.(e) Subrecipient Agreements. – By December 31, 2024, the Office shall enter into and sign the Subrecipient Agreements and proceed with the associated projects obligated in Round 3 of the Affordable Housing Development Fund program to (i) the Lumbee Tribe of North Carolina, (ii) Pamlico County, (iii) Scotland County, (iv) the Town of Maysville, and (v) the Town of Beulaville.

DELAY 2024 NORTH CAROLINA STATE BUILDING CODE EFFECTIVE DATE

SECTION 1F.3.(a) Definitions. – For purposes of this section, "2024 North Carolina State Building Code" means the North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council, effective January 1, 2025. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Building Code Council and Residential Code Council.

SECTION 1F.3.(b) Effective Date Delay. – Notwithstanding G.S. 143-138(d), Section 2 of S.L. 2013-118, or any rule to the contrary, the 2024 North Carolina State Building Code shall become effective July 1, 2025. Nothing in this section should be construed to abrogate the duties of the Council during this delay, including finalizing its publication, providing technical assistance, and educating the public regarding changes to the North Carolina State Building Code.

SECTION 1F.3.(c) Expiration. – This section expires July 1, 2025.

AUTHORIZE THE OFFICE OF THE STATE FIRE MARSHAL TO PROMULGATE RULES FOR TEMPORARY MANUFACTURED AND MODULAR DWELLINGS

SECTION 1F.4.(a) Notwithstanding G.S. 143-139.1, G.S. 160D-911, or any other law to the contrary, the Office of the State Fire Marshal may adopt rules, and prepare guidance for local governments enforcing the North Carolina State Building Code and the State of North Carolina Regulations for Manufactured Homes, that relate to the placement, construction, installation, and connection of temporary manufactured and modular dwellings. Approval of temporary manufactured and modular dwellings shall be evidenced by labels or seals acceptable to the Office of the State Fire Marshal. All temporary manufactured and modular dwellings bearing labels or seals shall be deemed to meet the requirements of the North Carolina State Building Code, except as may be required for the enforcement of the Code relative to utility service connections to temporary manufactured and modular dwellings and enforcement of local ordinances governing zoning, utility service connections, and foundation permits. The Office of the State Fire Marshal may also adopt rules to ensure that any person that places, constructs, installs, and connects a temporary manufactured and modular dwelling meets the manufacturer's installation instructions and applicable provisions of the North Carolina State Building Code and the State of North Carolina Regulations for Manufactured Homes. For the purposes of this section, a "temporary manufactured and modular dwelling" is a manufactured housing unit that is designed for utilization as a temporary dwelling in the affected area.

SECTION 1F.4.(b) Rulemaking. – The Office of the State Fire Marshal shall adopt emergency rules to implement the provisions of this section.

SECTION 1F.4.(c) Expiration. – This section expires on March 1, 2025.

SUBPART I-G. STATEWIDE

DACS CAPITAL PROJECT ACCOUNTS CONSOLIDATION

SECTION 1G.1. Notwithstanding any provision of law to the contrary, the Department of Agriculture and Consumer Services may consolidate old capital project accounts into a single fund totaling no more than two hundred ten thousand dollars (\$210,000) to be used for facility repairs located in the affected area and the funds are hereby appropriated for that purpose.

SUBPART I-H. TRANSPORTATION

SUSPENSION OF TRANSFER OF FUNDS TO TRANSPORTATION EMERGENCY RESERVE

SECTION 1H.1. Of the funds appropriated to the Department of Transportation, the sum of one hundred twenty-five million dollars (\$125,000,000) from the Transportation Emergency Reserve shall be used for repair and reconstruction of transportation infrastructure in the affected area. Notwithstanding G.S. 136-44.2E(b), in the discretion of the Secretary of Transportation, the required transfer of funds from the Highway Fund to the Transportation Reserve may be delayed or suspended until July 30, 2027. No other provision of G.S. 136-44.2E is affected by this section.

PART II. BUDGET AND VARIOUS TECHNICAL CORRECTIONS

SUBPART II-A. EDUCATION

FUNDS FOR LEGAL AND ADMINISTRATIVE SERVICES FOR THE NORTH CAROLINA SCHOOL FOR THE DEAF

SECTION 2A.1. There is appropriated from the General Fund to the Department of Public Instruction the sum of one hundred twenty thousand dollars (\$120,000) in recurring funds for the 2024-2025 fiscal year to be allocated to the North Carolina School for the Deaf for legal and administrative services.

UNC PERFORMANCE FUNDING

SECTION 2A.2. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina for the 2024-2025 fiscal year the sum of thirteen million sixty-eight thousand two hundred sixty-seven dollars (\$13,068,267) in nonrecurring funds to adjust funds provided to constituent institutions, as determined by the enrollment funding model for performance outcomes related to student success, affordability, and productivity.

UNC STUDENT CREDIT HOUR ENROLLMENT CHANGES

SECTION 2A.3. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina for the 2024-2025 fiscal year the sum of five hundred seventy-four thousand five hundred seventy-eight dollars (\$574,578) in recurring funds to adjust funds provided to constituent institutions, as determined by the enrollment funding model for changes in resident student credit hours.

UNC ENROLLMENT LOSS MITIGATION

11 NCAC 05A .1001 is proposed for adoption under temporary procedures as follows:

SECTION 1000 – DISASTER RESPONSE AND RECOVERY

11 NCAC 05A .1001 FEDERAL EMERGENCY MANAGEMENT AGENCY-OWNED TRANSPORTABLE TEMPORARY HOUSING UNITS

(a) Federal Emergency Management Agency (“FEMA”)–owned transportable temporary housing units shall be installed in accordance with the manufacturer's installation ~~instructions~~ instructions, the State of North Carolina Regulations for Manufactured Homes, and the North Carolina State Building Code. Such housing units may use the following alternative methods for the installation of the structures and their foundations:

- (1) Footings for piers may be placed on the surface grade in lieu of the frostline depth where the grade under the footing is undisturbed or a compaction test is provided, and the underpinning encapsulates the entirety of the open space between the floor of the structure and the grade.
- (2) Longitudinal and lateral bracing systems may be used where pier footings are placed on grade surface, the height limitations described in the manufacturer instructions of the bracing system are not exceeded, and the four corners of the structure are provided with tie down strapping.
- (3) Positive drainage may be omitted where the grade under the structure contains no low areas or holes where water may accumulate.
- (4) Exterior landings for stairs not exceeding 36 square feet may be regulated by the applicable North Carolina Regulations for Manufactured Homes in lieu of the applicable North Carolina Residential Code.
- (5) Exterior landings for stairs may be omitted where the stairs are constructed in accordance with either the applicable North Carolina Regulations for Manufactured Homes or the applicable North Carolina Residential Code. If an exterior landing is omitted, the stair system shall have cross members on the structure side of the system for lateral support and all corners of the stair system shall be supported underneath by solid concrete blocks no less than four inches thick.

(b) External electrical systems used to supply power to FEMA-owned transportable temporary housing units and their equipment shall conform to the North Carolina Electrical Code. Such electrical systems may use the following alternative methods:

- (1) Electrical conduits may be installed without burial or further protection in the horizontal area between the electrical pedestal and the structure when such area is three feet or less.
- (2) Electrical conduits may be installed on top of the grade without burial where the conduit is boxed in with building materials, the covering is secured with driven stakes and supported to the grade no less than every five feet and at every direction of a bend to prevent movement, the covering is painted orange and orange paint is reapplied to the covering every 60 days, and the lumber used for the building materials is treated.
- (3) Ridged metal conduits may be installed on top of the grade without burial, supporting, or covering with building materials if the conduit is painted orange and orange paint is reapplied to the conduit every 60 days.

(4) Recreational Vehicles, as that term is defined in G.S. 20-4.01(32b), may be hardwired directly to electrical equipment using wiring in non-flexible conduits rather than a plug-and-cap.

~~(6)~~(5) Any temporary electrical service or pedestal may utilize a single ground rod without a supplemental ground electrode where the service or pedestal is used exclusively for the connection of a FEMA-owned transportable temporary housing unit or its accessory structure and equipment, all ungrounded circuits do not exceed 150 volts to ground, and the rating of the single disconnecting means, or the summation of the ratings of multiple overcurrent devices that serve together as the disconnecting means, does not exceed 100 amperes.

(c) External plumbing systems for connection to FEMA-owned transportable temporary housing units and their equipment shall conform to the North Carolina Residential Code and the North Carolina Plumbing Code.

Such plumbing systems may use the following alternative methods:

(1) Water service and distribution pipes may be installed on top of grade where both sides of the piping are secured with driven stakes and supported to the grade no less than every five feet and at every direction of a bend to prevent movement, electrical self-regulating pipe heating cable is installed with the piping, piping insulation to prevent freezing encapsulates the piping and heating cable, and the piping insulation is painted orange and orange paint is reapplied to the piping insulation every 60 days.

(2) Drain-waste-vent pipes for the building drain and sewer may be installed on top of grade where both sides of the piping are secured with driven stakes and supported to the grade no less than every five feet and at every direction of a bend to prevent movement, and the piping or its insulation where applicable is painted orange and orange paint is reapplied to the piping or its insulation every sixty 60 days.

(3) Drain-waste-vent pipes for the building drain and sewer installed on top of grade must be installed utilizing either a slope in accordance with the applicable North Carolina Plumbing Code or a sewage grinder pump including electrical self-regulating pipe heating cable and piping insulation to prevent freezing.

(4) Where sewage grinder pumps are installed, the pump and tank shall be accessible for service, the pump tank shall be insulated with a box constructed from building materials and foam board of at least one and one-half (1 ½) inches thick, and the lumber used for the building materials shall be treated.

History Note: Authority G.S.58-78A-2; S.L. 2024-57, s. 1F.4.;