



**BRIAN TAYLOR**  
STATE FIRE MARSHAL

January 13, 2026

**VIA EMAIL ONLY**

Rules Review Commission  
c/o Seth Ascher and Travis Wiggs  
Commission Counsel  
[Seth.ascher@oah.nc.gov](mailto:Seth.ascher@oah.nc.gov)  
[Travis.wiggs@oah.nc.gov](mailto:Travis.wiggs@oah.nc.gov)

**Re: Request for Extension of Time for Periodic Review of 11 NCAC 08 .0201–.0203**

Dear Chair Parker and Members of the Rules Review Commission:

We write on behalf of the North Carolina Building Code Council to respectfully request an extension of time under 26 NCAC 05 .0204 and G.S. § 150B-21.3A(d)(1) for the Council's periodic review and report on its existing rules in 11 NCAC 08 .0201–.0203, currently scheduled for review by the Commission at its April 2026 meeting.

Pursuant to G.S. § 150B-21.3A, the Council must evaluate each of its existing rules and issue designations following a public comment period. However, the Council is unable to complete this statutory review because it does not have a quorum of duly appointed members. The General Assembly has not yet confirmed a sufficient number of appointments to constitute a functioning Council. Without a quorum, the Council cannot meet, vote on initial and final designations of its rules, or initiate the 60-day public comment period necessary to complete the review before the current deadline.

This circumstance constitutes a change in the composition of the agency that has resulted in a delay of the review, consistent with the considerations listed in 26 NCAC 05 .0204(a)(3). Additionally, the Commission has "broad authority to modify the schedule and extend the time for review in appropriate circumstances." N.C. Gen. Stat. § 150B-21.3A(d)(1).

The Council's staff has made every effort to prepare for the review process; however, the absence of a quorum makes it legally impossible for the Council to take the actions required to comply with the schedule. The Council's rulemaking coordinators seek only to preserve the existing rules until such time as a quorum of Council members is confirmed and the Council can conduct the review in accordance with G.S. § 150B-21.3A.

Pursuant to 26 NCAC 05 .0204(c), public notice of this request will be posted on the Council's website and all individuals on the Council's interested-persons mailing list will be notified that the Commission will consider this request at its next regularly scheduled meeting.

For these reasons, the Council's rulemaking coordinators respectfully request that the Commission extend the deadline for review of 11 NCAC 08 .0201–.0203 and place the Council

at a later point in the periodic review schedule, to be revisited once a quorum can be established.

Thank you for your consideration. Please let me know if any additional information would assist the Commission in evaluating this request.

Sincerely,



David Rittlinger  
Rulemaking Coordinator  
Building Code Council



Kyle Heuser  
Rulemaking Coordinator  
Building Code Council