

Burgos, Alexander N

From: Heuser, Kyle
Sent: Wednesday, January 8, 2025 4:30 PM
To: Wiggs, Travis C
Cc: Burgos, Alexander N; Hoggard, Keisha; MULLINS, KRISTIN
Subject: RE: Periodic Review 11 NCAC 08 .0900 and .1400

Travis,

We certainly sympathize with the enormity of the task. The Manufactured Housing Board accepts the March 1, 2027 readoption deadline. Please advise whether you require anything further from the Board.

Thanks,
Kyle

Kyle Heuser
Assistant General Counsel



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
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919.647.0100

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, January 8, 2025 11:45 AM
To: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Hoggard, Keisha <keisha.hoggard@ncdoi.gov>; MULLINS, KRISTIN <kmullins@ncdoj.gov>
Subject: RE: Periodic Review 11 NCAC 08 .0900 and .1400

Good morning,

The Periodic Review/Readoption process is taking place over a 10-year period and involves all the state agencies subject to rulemaking. My colleague and I are attempting to spread the rules out as much as possible while doing our best to accommodate the needs and priorities of each agency.

We already have 157 rules that are set for readoption by February 1, 2027. Thus, I'm proposing that your agency's readoption deadline be set for March 1, 2027.

Please reply as soon as possible to confirm the readoption deadline of March 1, 2027 for your agency.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

From: Heuser, Kyle <kyle.heuser@ncdoi.gov>

Sent: Friday, January 3, 2025 3:01 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Hoggard, Keisha <keisha.hoggard@ncdoi.gov>; MULLINS, KRISTIN <kmullins@ncdoj.gov>

Subject: RE: Periodic Review 11 NCAC 08 .0900 and .1400

Travis,

After further consultation, the Manufactured Housing Board has decided to accept the initially proposed readoption deadline of February 1, 2027. In light of that readoption deadline, we anticipate publishing notice of the proposed text of the rules in the first quarter of 2026 to allow for a robust public comment period and – if the Board decides to make substantial changes to the rules following that public comment period – enough time to re-publish the rules and proceed through a second public comment period. Pursuant to G.S. 150B-21.2(e), the public hearing will be held at least 15 days but not later than 60 days from publication. The Board will then adopt the rules after the expiration of the public comment period.

Please let me know if this email provides all the details regarding the Manufactured Housing Board's planned timeline for readoption required by 26 NCAC 05 .0212.

Thanks, and have a great weekend,
Kyle

Kyle Heuser
Assistant General Counsel



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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Wednesday, November 13, 2024 12:38 PM

To: Heuser, Kyle <kyle.heuser@ncdoi.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: Periodic Review 11 NCAC 08 .0900 and .1400

Kyle,

It's okay if your agency completes the required steps in advance of the readoption deadline, however, the RRC may not be able to review and vote on your readopted rules before the agreed upon deadline. Any agency that seeks to have their rules considered by RRC before their deadline will be at the mercy of rules that have earlier deadlines.

Please be mindful of 150B-21.2(g) when spreading out your readoption timeline. That is, once you publish a rule in the Register, it starts the 1-year clock for adoption, or the publication expires. I expect the RRC will be mostly concerned with enforcing the actual readoption deadlines and the timing requirements for rules in 150B.

In terms of submitting your rules to RRC early, it would be preferable for us if agencies follow their submitted timelines. If you desire a date less than two years in the future, we can likely agree to that date at this time.

Hope this helps. Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Sent: Wednesday, November 13, 2024 11:00 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 11 NCAC 08 .0900 and .1400

Thanks, Travis, this is very helpful. My inclination is to keep the 2/1/27 readoption deadline because I know the Board has some changes they would like to make to the rules and those have yet to be drafted. However, I don't anticipate the readoption process taking quite that long, so I'd like to complete each of the steps in G.S. 150B-21.2 as promptly as we are able. If I set a readoption schedule that spreads out each step in the process appropriately, is there anything preventing us from getting started and moving through those steps in advance of the schedule we draft? I'm available any time before 3:30pm today if you'd prefer to a quick phone call to discuss.

Thanks,
Kyle

Kyle Heuser
Assistant General Counsel



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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, November 13, 2024 10:52 AM
To: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 11 NCAC 08 .0900 and .1400

Kyle,

I'm happy to have a call to discuss. The documentation required by 26 NCAC 05 .0212(a)(1)-(2) can be sent to us in an email. If we agree on a readoption deadline, the documentation does not need to be very formal or detailed. We're looking for a timeline that provides the dates your agency intends to complete the steps in G.S. 150B-21.2 during the readoption process. Please include any relevant agency priorities that may impact the planned readoption timeline.

You are welcome to request a readoption deadline prior to February 1, 2027, in the documentation you submit to us. We are currently flexible with setting readoption deadlines since we're still early in the process. Our primary objective is to spread out the rules for readoption, across all State agencies, as best we can during the 10-year period.

Please let me know if and when you would like to schedule a call. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Sent: Friday, November 8, 2024 2:08 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Periodic Review 11 NCAC 08 .0900 and .1400

Travis,

Thank you for your email. The Manufactured Housing Board accepts the proposed readoption deadline of February 1, 2027. I have a few questions about the written documentation required by 26 NCAC 05 .0212 and our options for moving the readoption process forward in advance of the deadlines we set in that documentation, so please let me know when you have some availability for a short call.

Thanks, and have a great weekend,
Kyle

Kyle Heuser
Assistant General Counsel



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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, November 7, 2024 3:47 PM
To: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: Periodic Review 11 NCAC 08 .0900 and .1400

Good afternoon,

The attached periodic review reports became effective October 29, 2024. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

The deadline for your agency to provide this information is January 6, 2025. As a starting point, I would recommend a February 1, 2027, readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Let me know if you have any questions. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: McGhee, Dana <dana.McGhee@oah.nc.gov>
Sent: Thursday, November 7, 2024 12:27 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: FW: Periodic Review 11 NCAC 08 .0900 and .1400

Sorry, I forgot to add you to the email.

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Publications Coordinator
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From: McGhee, Dana
Sent: Thursday, November 7, 2024 12:25 PM
To: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Subject: Periodic Review 11 NCAC 08 .0900 and .1400

Good afternoon, Kyle,

The determinations in the attached periodic review report for 11 NCAC 08 .0900 and .1400 were effective August 29, 2024. Commission Counsel Travis Wiggs will reach out to you to discuss setting the readoption date for the rules in the reports.

Let me know if you have any questions.

Dana McGhee
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