

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE – NORTH CAROLINA BUILDING CODE COUNCIL

Notice is hereby given in accordance with G.S. 150B-21.1 that the North Carolina Building Code Council intends to amend Section N1103.3.1 of the 2018 North Carolina Residential Code for One- and Two-Family Dwellings, and Sections R403.3.1 and C403.2.9 of the 2018 North Carolina Energy Conservation Code.

Codifier of Rules received for publication the following notice and proposed temporary rule on: October 27, 2022.

Public Hearing:

Date: December 13, 2022

Time: 9:00 a.m.

Location: Albemarle Building, 325 N. Salisbury Street, 2nd Floor Training Room 245, Raleigh, NC 27603

Reason for Proposed Temporary Action: The effective date of a recent act of the General Assembly or of the U.S. Congress. Through the enactment of N.C. Sess. L. 2022-6, the General Assembly directed the North Carolina Building Code Council to adopt a temporary rule amending Section N1103.3.1 of the 2018 North Carolina Residential Code for One- and Two-Family Dwellings (See Section 20.10.(c) of the N.C. Sess. L. 2022-6 (eff. 3/17/2022) and Section 26(a) of N.C. Sess. L. 2022-46 (eff. 7/7/2022)) and amending Sections C403.2.9 and R403.3.1 of the 2018 North Carolina Energy Conservation Code (See Section 20.10A.(c) of N.C. Sess. L. 2022-6 (eff. 3/17/2022) and Section 26(b) of N.C. Sess. L. 2022-46). Pursuant to Section 20.10B.(a) of N.C. Sess. L. 2022-6, "[n]otwithstanding G.S. 150B-21.1(d), temporary rules adopted by the Council pursuant to Section 20.10 and Section 20.10A shall expire two years after the date this section becomes law." Section 20.10B of N.C. Sess. L. 2022-6 became law on 17 March 2022.

Comment Procedures: Comments from the public shall be directed to: Carl Martin, N.C. Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202. The comment period begins October 27, 2022 and ends December 13, 2022.

2018 NC Energy Conservation Code:

C403.2.9 Duct and Plenum Insulation and Sealing.

Supply and return air ducts and plenums shall be insulated with a minimum of R-6 insulation where located in unconditioned spaces inside the building. Where located outdoors, supply and return ducts shall be insulated with a minimum of R-8 insulation in *Climate Zones* 3 and 4 and a minimum of R-12 insulation in *Climate Zone* 5. Where located within a building envelope assembly, such as a wall of the building thermal envelope, the duct or plenum shall be separated from the building exterior or unconditioned space by a minimum of R-8 insulation in *Climate Zones* 3 and 4 and a minimum of R-12 insulation in *Climate Zone* 5.

Commercial Spaces Insulation Rule per N.C. Session Law 2022-6 Section 20.10A.(c) expires 3/17/24

Supply and return air ducts located in ventilated or non- ventilated unconditioned spaces, other than attic spaces, shall be insulated with a minimum of R-4.0 insulation in Climate Zones 3 and 4 and a minimum of R-6.0 insulation in Climate Zone 5. Supply and return air ducts located in ventilated or non- ventilated unconditioned attic spaces shall be insulated to a minimum R-6.0.

Exception: Where located within equipment.

Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with Section 603.9 of the *International Mechanical Code*.

2018 NC Energy Conservation Code

R403.3.1 Insulation (Mandatory).

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.

Residential Spaces Insulation Rule per N.C. Session Law 2022-6 Section 20.10 (c) expires 3/17/24

Supply and return air ducts located in ventilated or non- ventilated unconditioned spaces, other than attics, shall be insulated to a minimum R-4.2. Supply and return air ducts located in ventilated or non-ventilated unconditioned attic spaces shall be insulated to a minimum R-6.0.

2018 NC Residential Code:

N1103.3.1 (R403.3.1) Insulation (Mandatory). 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.

Residential Spaces Insulation Rule per N.C. Session Law 2022-6 Section 20.10 (c) expires 3/17/24

Supply and return air ducts located in ventilated or non-ventilated unconditioned spaces, other than attics, shall be insulated to a minimum R-4.2. Supply and return air ducts located in ventilated or non-ventilated unconditioned attic spaces shall be insulated to a minimum R-6.0.