

Burgos, Alexander N

Subject: FW: NC Building Code Council - Requests for Changes - November 2022 RRC
Attachments: D-1 20220315 Item B-3 2018 NC Residential Code Sections R101.2 and R202 Live Work Unit Rev 2. Form_0400_for_Permanent_Rule_September_2022.pdf; D-1 20220315 Item B-3 2018 NC Residential Code Sections R101.2 and R202 Live Work Unit Rev 2. Form_0400_for_Permanent_Rule_September_2022.docx; D-4 20220315 Item B-7 2018 NC Administrative Code 204.3.5 Rev 2. Form_0400_for_Permanent_Rule_September_2022.pdf; D-4 20220315 Item B-7 2018 NC Administrative Code 204.3.5 Rev 2. Form_0400_for_Permanent_Rule_September_2022.docx; D-2 20220315 Item B-4 2018 NCRC R101.2 Table R302.1 2018 NCBC Table 602 903.2.8 2018 NCFC 903.2.8Rev 3. Form_0400_for_Permanent_Rule_September_2022.pdf; D-2 20220315 Item B-4 2018 NCRC R101.2 Table R302.1 2018 NCBC Table 602 903.2.8 2018 NCFC 903.2.8Rev 3. Form_0400_for_Permanent_Rule_September_2022.docx

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Wednesday, November 16, 2022 12:45 PM
To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Subject: FW: NC Building Code Council - Requests for Changes - November 2022 RRC

Hi all,

These are the final rules for RRC review tomorrow.

Thanks!
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Sent: Wednesday, November 16, 2022 7:52 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: NC Building Code Council - Requests for Changes - November 2022 RRC

Brian,
Attached are the updated rules.
Let me know if you have any questions.
Thank you

David B. Rittlinger, PE, LEED AP
Code Interpretations Supervisor
Chief Code Consultant
Chief Mechanical & Fuel Gas Code Consultant
Engineering Division



N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes

<https://codes.iccsafe.org/codes/north-carolina>

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Burgos, Alexander N

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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NC Administrative Code 204.3.5 (220315 Item B-7)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: April 20, 2022 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice Hearing on: June 14, 2022 Adoption by Agency on: September 13, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2021-81 and 2021-192 <input checked="" type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: To update the 2018 NC Administrative Code and Policies to reflect changes in NC Statutes 83A-13. The delayed effective date of this Rule is January 1, 2023. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
10. Rulemaking Coordinator: David B. Rittlinger David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *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: David B. Rittlinger Title: Chief Code Consultant
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

2018 NC Administrative Code

204.3.5 Design professional seal required (220315 Item B-7)


204.3.5 Design professional seal required. Where the General Statutes, North Carolina Board of Architecture and Registered Interior Designers, or the North Carolina Board of Examiners for Engineers and Land Surveyors require, no permit shall be issued unless the construction documents (~~drawings and specifications~~), (~~drawings and specifications~~) bear the North Carolina seal of a ~~registered design professional~~ *registered design professional*. ~~Construction documents~~ *Construction documents* shall include the name and address of the business entity (individual, ~~corporation~~ *corporation*, or partnership) with whom the registered design professional is affiliated. Questions concerning this section should be directed to the North Carolina Board of Architecture and Registered Interior Designers or the North Carolina Board of Examiners for Engineers and Land Surveyors.

Exceptions: ~~For permitting purposes, the seal of a registered design professional is not required when the building, structure or project involved is in one of the categories listed below, unless otherwise required pursuant to the provisions of the General Statutes or the technical codes:~~

- ~~1. A family residence, up to eight units attached with grade level exit, which is not a part of or physically connected with any other buildings or residential units;~~
- ~~2. A building upon any farm that is for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the public;~~
- ~~3. An institutional or commercial building if it does not have a total cost of construction exceeding \$90,000;~~
- ~~4. An institutional or commercial building if the total building area does not exceed 2,500 square feet (2.32 m²) in gross floor area;~~
- ~~5. Alteration, remodeling or renovation of an existing building that is exempt under this section, or alteration, remodeling or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this chapter or to the practice of engineering under Chapter 89C of the General Statutes.~~
- ~~6. The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this chapter.~~
- ~~7. Nothing in this chapter shall be construed to prevent any individual from making plans or data for buildings for himself or herself. This exemption does not apply to plans for places of religious worship.~~

~~(General Statute 83A-13)(General Statute 83A-10 and 83A-13)~~

SUBMISSION FOR PERMANENT RULE

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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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~~(General Statute 83A-13)~~ (General Statute 83A-10 and 83A-13)

Burgos, Alexander N

Subject: FW: NC Building Code Council - Requests for Changes - November 2022 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Tuesday, November 15, 2022 4:27 PM

To: Rittlinger, David B <david.rittlinger@ncdoi.gov>

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

Subject: RE: NC Building Code Council - Requests for Changes - November 2022 RRC

OK, that's fine. Appreciate you letting me know.

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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Burgos, Alexander N

Subject: FW: NC Building Code Council - Requests for Changes - November 2022 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, November 15, 2022 11:18 AM
To: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: NC Building Code Council - Requests for Changes - November 2022 RRC

Hi David,

Thanks for talking with me. Let me know what you come up with on the “assumed property line” issue. As I said, all I need is for this term to be anchored in something concrete so that the regulated public knows where these should be, such as the common wall, like we discussed.

And thanks for the explanation on “remote unimpeded exits.” The language isn’t perfect, but as long as everyone understands it just means “exits” that’s fine for now, but I would like to see that when that language itself is ever amended that it be clarified.

Thanks!
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
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Burgos, Alexander N

Subject: FW: NC Building Code Council - Requests for Changes - November 2022 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, November 14, 2022 7:51 PM
To: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: NC Building Code Council - Requests for Changes - November 2022 RRC

Hi David,

Sorry I'm getting back to you so late. See below for my further comments in blue again. I'd appreciate an opportunity to talk about the "remote unimpeded exits" language, just because I can't wrap my brain around what's being required here. As I said below, I'm free anytime between 12 and 2.

Thanks,
Brian

Brian Liebman
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Subject: RE: NC Building Code Council - Requests for Changes - November 2022 RRC

Brian,
Attached are the revised rules per your comments.
My responses to you comments below are in **green** text.

Thanks for you work on this.

David B. Rittlinger, PE, LEED AP
Code Interpretations Supervisor
Chief Code Consultant
Chief Mechanical & Fuel Gas Code Consultant
Engineering Division




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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NC Residential Code R101.2 and R202 Live/Work Unit (220315 Item B-3)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9B. Explain: The purpose of the amendment is to define the term "live/work" unit and how the term applies to the NC Residential Code. Because this amendment is a clarification of code intent there would be no additional cost or savings. The delayed effective date of this Rule is January 1, 2025. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
10. Rulemaking Coordinator: David B. Rittlinger David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *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: David B. Rittlinger Title: Chief Code Consultant
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

2018 NC Residential Code
R101.2 Scope (220315 Item B-3)

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, ~~repair~~ *repair*, *equipment*, use and occupancy, location, ~~removal~~ *removal*, and demolition of detached one- and two-family ~~dwellings~~ *dwellings* and ~~townhouse townhouses~~ *townhouses* not more than three stories above *grade plane* in height with a separate means of ~~egress~~, *egress* and their *accessory structures* not more than three stories above *grade plane* in height. Single family ~~dwellings~~ *dwellings* otherwise permitted by this ~~code~~ *Code* shall include *bed and breakfast homes*.


Exceptions:

1. ~~*Live/work units* located in *townhouses*~~ and complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two- family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* where constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904.
2. Deleted.

2018 NC Residential Code
R202 DEFINITIONS (220315 Item B-3)

LIVE/WORK UNIT. A *dwelling unit* in which more than 10 percent and less than 50 percent of the space includes a nonresidential use that is operated by the tenant.

SUBMISSION FOR PERMANENT RULE

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204.3.5 Design professional seal required (220315 Item B-7)

204.3.5 Design professional seal required. Where the General Statutes, North Carolina Board of Architecture and Registered Interior Designers, or the North Carolina Board of Examiners for Engineers and Land Surveyors require, no permit shall be issued unless the construction documents (~~drawings and specifications~~), (~~drawings and specifications~~) bear the North Carolina seal of a ~~registered design professional~~ registered design professional. ~~Construction documents~~ Construction documents shall include the name and address of the business entity (individual, ~~corporation~~ corporation, or partnership) with whom the registered design professional is affiliated. Questions concerning this section should be directed to the North Carolina Board of Architecture and Registered Interior Designers or the North Carolina Board of Examiners for Engineers and Land Surveyors.

Exceptions: For permitting purposes, the seal of a registered design professional is not required when the building, structure or project involved is in one of the categories listed below, unless otherwise required pursuant to the provisions of the General Statutes or the technical codes:

1. A family residence, up to eight units attached with grade-level exit, which is not a part of or physically connected with any other buildings or residential units;
2. A building upon any farm that is for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the public;
3. An institutional or commercial building if it does not have a total cost of construction exceeding \$90,000;
4. An institutional or commercial building if the total building area does not exceed 2,500 square feet (2.32 m²) in gross floor area;
5. Alteration, remodeling or renovation of an existing building that is exempt under this section, or alteration, remodeling or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this chapter or to the practice of engineering under Chapter 89C of the General Statutes;
6. The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this chapter.
7. Nothing in this chapter shall be construed to prevent any individual from making plans or data for buildings for himself or herself. This exemption does not apply to plans for places of religious worship.

~~(General Statute 83A-13)~~(General Statute 83A-10 and 83A-13)

Burgos, Alexander N

From: Rittlinger, David B
Sent: Thursday, November 10, 2022 9:10 PM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: Re: NC Building Code Council - Requests for Changes - November 2022 RRC

Brian,
Excellent.
Thank you

David Rittlinger
..... Sent from my iPhone

On Nov 10, 2022, at 9:08 PM, Liebman, Brian R <brian.liebman@oah.nc.gov> wrote:

Sure, that'll be fine. Tomorrow is a state holiday anyway.

Have a great weekend,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
[\(984\)236-1948](tel:(984)236-1948)
brian.liebman@oah.nc.gov

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From: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Sent: Thursday, November 10, 2022 8:57:24 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: NC Building Code Council - Requests for Changes - November 2022 RRC

Brian,
I am out of the office until Monday.
Can I submit these then?
Thanks

David Rittlinger
..... Sent from my iPhone

On Nov 10, 2022, at 11:15 AM, Liebman, Brian R <brian.liebman@oah.nc.gov> wrote:

Hi David,

Thanks for the quick turnaround on these. One major thing, and a few minor quibbles. First, the major question – it escaped my attention on the first review that all the changes in your original filing are highlighted. Were these all made after publication? It doesn't look that way from your notice of text, but I wanted to be sure. For future reference, you only need to highlight changes made to the text after you published. If you wouldn't mind, please remove the highlighting from everything except what you changed post-publication (i.e. in response to public comment or to these requests for changes).

Admin Code 204.3.5

- The first instance of “construction documents” wasn't italicized, please correct.

Residential Code R101.2 and R202

- This seems petty, but when we add or delete punctuation, the way to format it is to strikethrough the word preceding as well as the punctuation, and then reinsert the word. Here, where you removed the comma after “egress” it should be formatted like so:

separate means of ~~egress, egress~~ and their *accessory structures*

- Similarly, when you added a comma after “removal”:

location, ~~removal removal~~, and demolition of detached one- and two-family *dwelling*s

- Please check all your rules for this, because I think there were other instances where this needed to be fixed.

Residential Code R101.2 and Table R302.1...

I'm just copying from the change requests here as I think it's more clear this way. My new comments in blue:

What does “assumed property lines” mean? Traditional townhouses are separated by property lines and are considered two separate lots. An assumed property lines apply to multiple townhouses on a single lot. No changes were made to the proposed rule.

I understand the concept now, but is there a way to make this clearer for your regulated public? How would one know where the “assumed property lines” are if they're not recorded as property lines?

In both the Fire Code and Building Code, 903.2.8 Group R, 4.1, and what are “remote unimpeded exits”? Is this defined? If so, italicize for consistency. Remote unimpeded exits is not a defined term. Open air camp cabins would require an automatic sprinkler system if two remote unimpeded exits are not provided. No changes were made to the proposed rule.

I still don't see a definition of the term “remote unimpeded exits.” I understand what an unimpeded exit is, I just don't understand what a remote exit is. Can you explain?

Thanks,
Brian

Brian Liebman
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From: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Sent: Tuesday, November 8, 2022 3:47 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: NC Building Code Council - Requests for Changes - November 2022 RRC

Brian,
Good afternoon.
Attached are the modified rules per the comments you provided.
My responses to each item are also provided. See the red text.

Let me know if you have any questions or require any further action from me on this.

Thanks for your work on this.

<image001.png>
david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes
<https://codes.iccsafe.org/codes/north-carolina>

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, November 4, 2022 5:04 PM
To: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: NC Building Code Council - Requests for Changes - November 2022 RRC

Hi David,
I've reviewed the Rules submitted by the Building Code Council for the November 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, November 17, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.
Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Thursday, November 10, 2022.
In the meantime, please do not hesitate to reach out via email with any questions or concerns.
Thanks,

Brian
Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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