From: Matt Stone
To: Jon Creighton
Subject: RE: House Bill 255
Date: Thursday, April 2, 2015 12:35:00 PM

OK, we've also been following the bill on the general assembly webpage

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From: Jon Creighton
Sent: Thursday, April 02, 2015 12:08 PM
To: Matt Stone; Bob Haynes
Subject: FW: House Bill 255

There isn't any attachment just the text below.

From: Wanda Greene
Sent: Thursday, April 02, 2015 9:23 AM
To: Jon Creighton; Matt Stone
Subject: FW: House Bill 255

From: Jerry Vehaun
Sent: Wednesday, April 01, 2015 3:04 PM
To: Wanda Greene
Subject: FW: House Bill 255

fyi

Hello,
this email contains important information from the NCMIA.

The House Regulatory Reform Committee on Tuesday signed off on a bill to make significant changes in the state building code and inspection processes for residential construction. The bill is expected to be considered by the full House on Wednesday. A sponsor, Rep. Mark Brody, R-Union, said the bill begins to address issues behind why residential builders, in a state with a uniform building code, find widely divergent interpretations and enforcement of the code in different jurisdictions. "In other words, every jurisdiction is taking the liberty of deciding which part of the code they want to enforce and which they don't," said Brody, a contractor.

The bill would eliminate mandatory plan reviews prior to construction for one- and two-family residential projects. Current law makes plan review for residential structures discretionary but many inspections departments require it, according to information about the bill provided by Brody's office. Plan review still would be required for nonresidential projects. It also would raise the threshold in residential projects for which a building permit is required from $5,000 to $15,000.

House Bill 255 also would define "willful misconduct, gross negligence or gross incompetence" -- the basis for disciplinary actions against code inspectors -- to include refusing to allow alternative designs or construction methods approved by the Building Code Council, enforcing requirements more stringent than code requirements and the habitual failure to provide requested inspections in a "timely manner." "We have to bring all the inspectors with all the jurisdictions under one roof and we are going to start enforcing some of these particulars here in order to accomplish that," Brody said.

The bill directs the Department of Insurance to post on its website all appeal decisions, interpretations and

variations of the code issued by the Building Code Council within three days. It also requires that fees collected from inspections be used to support only activities of the inspections department. Brody said some jurisdictions use inspections to raise revenue for other purposes. "What we're saying is that the inspection department is not a money-making venture for a community, and we don't want the inspection department to create dollars and then have the municipality sweep them out and use them for other funds," he said. The bill also creates a five-member Residential Code Committee of the Building Code Council to review and make recommendations about proposed code changes regarding residential construction to the full council.

Rep. Chris Millis, R-Pender, said the legislation is "exactly the type of regulatory reforms that our state needs" to protect health, safety and the environment without the "invisible tax of unnecessary regulation before us." But opposition has surfaced. A spokesman for the N.C. League of Municipalities said defining a standard of conduct for building inspectors with "vague, open-ended" language won't accomplish the purpose of the bill. "Establishing by statute a quick, formal appeals process, in which supervisors learn of complaints immediately, is a much more effective means of addressing the concerns of a builder who believes an inspector has not followed code requirements or the law," Scott Mooneyham wrote in an email. Johanna Reese, government affairs director for the N.C. Association of County Commissioners, said counties believe current law adequately covers misconduct by code officials and that the new language is unnecessary. Reese also said eliminating the plan review requirement creates the potential for mistakes to be caught during construction instead of up front, which could add time and expense to the project. Tim Bradley, executive director of the State Firemen's Association, said the number of firefighters injured or killed in residential fires per 100,000 people has increased significantly since the 1970s. He said he is concerned that fire professionals don't have representation on the new committee proposed in the bill because "residential fires are our biggest issue." Rick McIntyre, senior deputy commissioner and assistant state fire marshal in the Department of Insurance, said the bill came about quickly and "does need a lot of review by a lot of folks." (Patrick Gannon, THE INSIDER, 4/01/15).

Rodger Lentz

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