

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 853
Committee Substitute Favorable 5/11/21

Short Title: Plan Review & Cert. of Occup. Scope Changes.

(Public)

Sponsors:

Referred to:

May 5, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE SCOPE OF REQUIREMENTS FOR CERTIFICATES OF
3 OCCUPANCY, TO ESTABLISH GENERAL REQUIREMENTS FOR LOCAL
4 GOVERNMENTS WHEN APPROVING DEVELOPMENT PERMIT APPLICATIONS,
5 AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA BUILDING CODE
6 COUNCIL TO CONDUCT CERTAIN COST-BENEFIT ANALYSES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 4 of Chapter 160D of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 160D-403.1. Commercial plan review for sealed plans.**

11 When plans for commercial buildings are submitted under the seal of any design professional
12 licensed under Chapters 83A, 89A, or 89C of the General Statutes and those plans are reviewed
13 by the local government with development approval authority or, if authorized by statute, by a
14 private engineering or architectural firm under contract with that local government to review
15 commercial plans, that local government shall not condition the issuance of a certificate of
16 occupancy on the imposition in the sealed commercial plans of any additional requirement unless
17 that additional requirement is required by an applicable code. As used in this section, "applicable
18 code" has the same meaning as in G.S. 160D-931(2)."

19 **SECTION 2.** Article 4 of Chapter 160D of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 160D-407. General requirements for approving permit applications.**

22 All of the following shall apply to the process used by a local government to evaluate and
23 decide whether to approve a permit related to site construction and land use permitting:

24 (1) All standards or requirements for the issuance of a construction permit shall
25 be in writing and based on a policy, standard procedure, or ordinance adopted
26 by the governing body and be available for public inspection. The written
27 policy, standard procedure, or ordinance may include formal land-use maps,
28 capital improvement plans, or fiscally constrained road improvement
29 requirements established by the local government or the Department of
30 Transportation.

31 (2) The written policy, standard procedure, or ordinance adopted under
32 subdivision (1) of this section shall do all of the following:

33 a. Designate a department of the local government to establish a schedule
34 that shall be used to review permit applications, including the
35 maximum number of days in which a department shall have to approve
36 or deny a complete application. Any schedule established under this



- 1 sub-subdivision shall be approved by the governing board before
2 being promulgated to the public.
- 3 b. The schedule adopted under sub-subdivision a. of this subdivision may
4 allow additional time for review of permit applications due to
5 extenuating circumstances, but the occurrence of any extenuating
6 circumstances must be noted in the quarterly report, as defined in
7 subdivision (4) of this section.
- 8 c. The schedule adopted under sub-subdivision a. of this subdivision
9 shall be made available for public inspection and be published on the
10 local government's website, if available.
- 11 (3) Notwithstanding any provision of this Chapter, a local government shall not
12 require a permittee to reserve land, dedicate rights-of-way, adhere to planning
13 or land use conditions, or make accommodations for future construction
14 activities, including the installation of future infrastructure, unless that
15 requirement is included in a written policy, standard procedure, or ordinance
16 adopted under subdivision (1) of this section.
- 17 (4) Any local government department responsible for reviewing construction
18 permit applications shall, on a quarterly basis, submit to its governing board a
19 report detailing the department's compliance with the schedule established
20 under subdivision (2) of this section. The report shall be made available for
21 public inspection and published on the local government's website, if
22 available. The local government may present the data in any format provided
23 it complies with this section. This report shall include at least all of the
24 following:
- 25 a. The number of permit application reviews completed within the time
26 periods specified in the schedule.
- 27 b. The number of permit application reviews completed after the
28 expiration of the time periods.
- 29 (5) A written policy, standard procedure, or ordinance adopted under subdivision
30 (1) of this section shall not require a construction permit to be reviewed if
31 another agency or department, including a State agency or department, has
32 conducted its own review of the same or another permit related to the same
33 project. Written policies, standard procedures, or ordinances adopted by the
34 local government shall require that construction permits issued by the local
35 government shall be reviewed concurrently with another permit related to the
36 same project. This requirement for departments or agencies to review
37 construction permits concurrently does not apply if the project is proposed to
38 be constructed in phases, making a concurrent review impractical, or if the
39 permittee requests nonconcurrent reviews.
- 40 (6) A local government may establish an online permit application and review
41 process and require its use.
- 42 (7) A local government shall not require a tree survey as part of the development
43 approval process if that local government does not have a tree ordinance
44 authorized by law. Nothing in this subdivision shall be deemed to prohibit a
45 local government from establishing development parameter buffer zones and
46 other designated preservation areas; provided that any buffer zones or
47 designated preservation areas are provided in the written policy, standard
48 procedure, or ordinance adopted under subdivision (1) of this section.
- 49 (8) A local government shall have the authority to regulate the portion of any
50 private road, driveway, or parking lot that lies upon the public right-of-way as
51 to slope, width, thickness of the pavement, and design that matches any

1 existing roadway. All other aspects pertaining to private roads, driveways, and
2 parking lots contained within a submitted plan shall be approved by the local
3 government if they (i) are designed by a design professional licensed in this
4 State and (ii) meet or exceed all applicable federal and State laws and
5 regulations."

6 **SECTION 3.** If G.S. 143-138, as amended by Section 2 of House Bill 489 of the
7 2021 Regular Session of the General Assembly, becomes law, there is appropriated from the
8 General Fund of the State to the North Carolina Building Code Council the sum of twenty
9 thousand dollars (\$20,000) in nonrecurring funds for the 2021-2022 fiscal year to be used by the
10 North Carolina Building Code Council to implement the provisions of that section.

11 **SECTION 4.** This act is effective when it becomes law and applies to construction
12 permits submitted for approval on or after that date.