

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

3

HOUSE BILL 332
Committee Substitute Favorable 5/2/23
Third Edition Engrossed 5/2/23

Short Title: Streamline Comm./Multifam. Bldg. Plan Review.

(Public)

Sponsors:

Referred to:

March 13, 2023

A BILL TO BE ENTITLED

AN ACT TO EXPEDITE THE APPROVAL OF SEALED COMMERCIAL AND
MULTI-FAMILY BUILDING PLANS BY LOCAL GOVERNMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 11 of Chapter 160D of the General Statutes is amended by
adding a new section to read:

**§ 160D-1110.1. Plan review of sealed commercial and multifamily building plans;
third-party plan review alternatives.**

(a) Plan Review of Sealed Plans. – For commercial and multifamily building plans
submitted with a permit application that require the seal of a professional engineer licensed under
Chapter 89C of the General Statutes or an architect licensed under Chapter 83A of the General
Statutes, a local government shall complete its review of those plans and issue applicable building
permit decisions within 21 business days, unless otherwise agreed to by all parties. If the local
government requests additional information or requires plan resubmission with changes, after
receiving requested information and changes from the permit applicant, the local government has
up to 10 business days to issue all applicable permits.

(b) Independent Third-Party Review to Assist Local Government. – A local government
may utilize and contract with the Department of Insurance and its marketplace pool of qualified
Code-enforcement officials or contract with a licensed professional engineer or licensed architect
certified under G.S. 143-151.13(f) to perform independent third-party plan reviews under this
section, provided that the review time does not exceed time frames prescribed by subsection (a)
of this section.

(c) Independent Third-Party Review Election by Permit Applicant. – If the local
government does not issue applicable building permit decisions or determines it is unable to
complete plan reviews within the time frames prescribed by subsection (a) of this section, the
permit applicant may elect to utilize and contract with the Department of Insurance and its
marketplace pool of qualified Code-enforcement officials or elect to contract with a licensed
professional engineer or licensed architect certified under G.S. 143-151.13(f) to perform
independent third-party plan reviews and certify submitted plans as required by subsection (d) of
this section. Upon acceptance of a completed plan review with certification required by
subsection (d) of this section, the local government shall issue applicable permits for the project
within three business days and will refund or waive all applicable plan review and permit fees
for the project upon issuance of the applicable permits.

(d) Third-Party Review Certification Required. – A permit applicant that elects a
third-party review under subsection (c) of this section shall provide the local government with a



* H 3 3 2 - V - 3 *

1 written certification signed by the plan reviewer that plans comply with applicable North
2 Carolina State Building Codes and all other applicable State and local laws. The certification
3 shall be made on a form created by the local government.

4 (e) Conflicts of Interest. – Notwithstanding G.S. 160D-1108, a third-party plan reviewer
5 shall avoid conflicts of interest in conducting independent third-party plan reviews under this
6 section. Conflicts of interest include a plan reviewer having any financial interest in, or being
7 employed, other than as a plan reviewer under this section, by a business that has a financial
8 interest in, the furnishing of labor, material, or appliances for the construction, alteration, or
9 maintenance of, or any involvement in the making of plans or specifications for, the project
10 subject to plan review.

11 (f) Local Government Liability. – Upon issuance of applicable permits under subsection
12 (c) of this section, the local government and inspection department are discharged and released
13 from any liabilities, duties, and responsibilities imposed by this Article, or in common law, from
14 any claim arising out of, or attributed to, plans reviewed under subsection (c) of this section.

15 (g) Manufacturer Information. – In the event the local government requires manufacturer
16 specifications or manufacturer engineering information on an element, component, or fixture
17 related to the submitted plans, a local government shall not delay or deny the issuance of
18 applicable permits based upon the receipt of specifications or manufacturer engineering
19 information on an element, component, or fixture."

20 **SECTION 2.** G.S. 143-151.8(a)(3) reads as rewritten:

21 "(3) Code enforcement. – The examination and approval of plans and
22 specifications, the inspection of the manner of construction, workmanship,
23 and materials for construction of buildings and structures and their
24 components, or the enforcement of fire code regulations by any of the
25 following, to assure compliance with the State Building Code and related local
26 building rules:

- 27 a. An employee of the State or local government, except an employee of
28 the State Department of Labor engaged in the administration and
29 enforcement of sections of the Code that pertain to boilers and
30 elevators.
- 31 b. An employee of a federally recognized Indian Tribe employed to
32 perform inspections on tribal lands.
- 33 c. An individual contracting with the State, a local government, or a
34 federally recognized Indian Tribe to perform inspections on tribal
35 lands.
- 36 d. An individual who is employed by a company contracting with a
37 county or a city to conduct inspections.
- 38 e. A person who is contracting with a local government to perform
39 third-party plan reviews under G.S. 160D-1110.1(b).
- 40 f. A person who is contracting with a permit applicant to perform
41 third-party plan reviews under G.S. 160D-1110.1(c)."

42 **SECTION 3.** G.S. 143-151.12(9) reads as rewritten:

43 "(9) Establish within the Department of Insurance a marketplace pool of qualified
44 Code-enforcement officials available for the following purposes:

- 45 a. When requested by the Insurance Commissioner, to assist in the
46 discharge of the Commissioner's duty under G.S. 143-139 to
47 supervise, administer, and enforce the North Carolina State Building
48 Code.

49 ...

- 50 c. When requested by a permit applicant under G.S. 160D-1110.1(c)."

51 **SECTION 4.** G.S. 143-151.13 is amended by adding a new subsection to read:

1 "(g) A licensed architect or licensed professional engineer who possesses a valid
2 certificate under subsection (f) of this section, but is not employed by the State or a local
3 government, may utilize that certificate for the limited purpose of performing independent
4 third-party plan reviews under subsections (b) and (c) of G.S. 160D-1110.1."

5 **SECTION 5.** This act becomes effective October 1, 2023, and applies to permit
6 applications submitted on or after that date.