

[SB 166: 2024 Building Code Regulatory Reform](#)

SB 166 seeks to streamline regulatory processes, enhance clarity for building and development regulations, reduce unnecessary costs, and modernize various building code requirements. The bill's provisions will significantly benefit developers, contractors, homeowners, and local governments by improving efficiency, reducing delays, and ensuring uniformity in building and construction standards across North Carolina.

Of note, beginning January 1, 2025, the Building Code Council will oversee codes applicable to commercial and multifamily construction and the newly established Residential Code Council will oversee codes applicable to residential construction.

Development Regulations

- **Prohibit Certain Backflow Preventer Requirements (Section 1.1):** Local water systems cannot require backflow preventers on residential or non-residential connections unless a "high hazard" is identified. This reduces unnecessary costs for property owners and limits the scope of redundant regulations unless explicitly required by state or federal law. *Effective September 11, 2024, and applies to requirements for installation of backflow preventers made by a public water supply on or after that date.*
- **Prohibit Duplicative Water Service Shut-Off Valves (Section 1.2):** Prohibits redundant inline water shut-off valves between water meters and residential homes. This ensures water systems can't demand additional valves that aren't necessary, saving homeowners and developers from extra installation expenses. *Effective January 1, 2025.*
- **Building Permit Fees Clarification (Section 1.3):** Clarifies that fees collected by building inspection departments are only used to support the operations of those departments. This promotes transparency and accountability in how fees are allocated and spent. *Effective July 1, 2024.*
- **Residential Plan Review Fee Reimbursement (Section 1.4):** States that when initial reviews of residential building plans are deemed necessary, if not reviewed within 20 business days of submission, the applicant is entitled to a 10% refund of the permit application for up to 10 business days. *Effective July 1, 2024, and applies to permit applications submitted on or after that date.*
- **Clarify Public Safety Issues for Withholding Building Permits or Certificates of Occupancy (Section 1.5):** Limits the ability of local governments to withhold permits or certificates of occupancy for unrelated regulatory reasons and specifies that permits can only be delayed for legitimate public safety concerns, benefiting developers by preventing unnecessary construction delays. *Effective September 11, 2024.*
- **Prohibit Unrestricted Right of Entry as a Condition to Development Approvals (Section 1.6):** Prohibits local governments from requiring unrestricted entry to private premises as a condition for issuing permits. This protects property owners' rights while still allowing necessary inspections by authorized officials. *Effective September 11, 2024.*
- **Prohibit Technical Code Compliance Affidavits (Section 1.7):** Prevents building inspectors from requiring affidavits from permit holders in place of inspections. This ensures that inspections are performed as mandated and reduces administrative burdens on developers. *Effective September 11, 2024.*

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- **Curb and Gutter Design Standards (Section 1.8):** Limits local governments from enforcing stricter curb and gutter design standards than those used by the NC Department of Transportation, providing consistency in subdivision road design, and reducing construction costs. *Effective January 1, 2025, and applies to permit applications submitted on or after that date.*
- **Municipal Pedestrian Facility Requirements (Section 1.9):** Restricts cities from requiring developers to construct pedestrian facilities (such as sidewalks) in small residential subdivisions unless they assume responsibility for their long-term maintenance. This prevents undue costs on developers for infrastructure that municipalities may not maintain. *Effective September 11, 2024.*
- **Private Driveway Pavement Design Standards (Section 1.10):** Makes a technical correction to G.S. 160D-804, which allows for more flexible driveway pavement design standards, provided they meet basic safety and functionality criteria. *Effective September 11, 2024.*
- **Model Homes (Section 1.11):** Establishes regulations for the temporary use of model homes in subdivisions for sales purposes, including signage, utility connections, and temporary occupancy permits. This provides clear rules for how model homes can be used during the sales process. *Effective January 1, 2025, and applies to applications for temporary certificates of occupancy submitted on or after that date.*
- **Performance Guarantees for Subdivisions (Section 1.12):** Requires local governments to inspect improvements subject to a performance guarantee within 30 days of a developer's request and inform the developer if they meet required specifications. If there is disagreement, the developer may obtain certification from a licensed engineer confirming compliance with the specifications. Clarifies that no performance guarantee may be required for maintenance of any improvement once completed to the local government's specification or a licensed engineer's certification that the improvement is complete. *Effective January 1, 2025, and applies to permit applications submitted on and after that date.*

North Carolina State Building Code

- **Fire Prevention Code Uniformity (Section 2.1):** Prohibits local fire codes from applying stricter regulations to residential properties than what the North Carolina Residential Code requires, ensuring uniform fire prevention standards across the state. *Effective September 11, 2024.*
- **Fire Resistance for Townhouse End Units (Section 2.2):** Directs the code to amend the fire-resistance requirements for townhouse end walls, allowing reduced fire separation distances without compromising safety. *Effective September 11, 2024, and expires when the code is updated as required by this bill.*
- **GFCI Protection for Sump Pumps in Crawlspace and Basements (Section 2.3):** Directs the code to modify the GFCI requirements for sump pumps, ensuring that the reset for these devices is easily accessible and clearly labeled, improving safety and convenience for homeowners. *Effective September 11, 2024, and expires when the code is updated as required by this bill.*
- **Stairway Adjacent Glazing Requirements (Section 2.4):** Directs the code to be amended to ease the requirements for glazing near stairways, reducing construction costs while maintaining safety standards. *Effective September 11, 2024, and expires when the code is updated as required by this bill.*
- **Electric Water Heater Elevation Requirements (Section 2.5):** Directs the code to remove the need to elevate electric water heaters to protect ignition sources, simplifying installation for builders and reducing

costs for homeowners. *Effective September 11, 2024, and expires when the code is updated as required by this bill.*

- **Insulation in Unvented Attics (Section 2.6):** [S.L. 2023-108](#) required the Building Code Council to amend the Energy Conservation Code to provide an optional insulation alternative for unvented attics and rafter assemblies using air-impermeable insulation. This provision adds further requirements for local governments and code officials to follow while the code amendment is pending. *Effective September 11, 2024, and expires when the code is updated as required by this bill.*
- **Three- and Four-Family Dwellings in the Residential Code (Section 2.7):** [S.L. 2023-108](#) directed the Building Code Council to amend the Residential Code to include three- and four-family dwellings. This provision adds further requirements for local governments, code-enforcement officials, and applicable councils to follow while the code amendment is pending. *Effective September 11, 2024, and expires when the code is updated as required by this bill.*
- **GFCI Protection for RV Site Equipment (Section 2.8):** Limits GFCI protection requirements for RV site equipment, simplifying electrical system requirements for RV parks and similar developments. *Effective September 11, 2024, and expires when the code is updated as required by this bill.*
- **Exclude Electric Vehicle Supply Equipment (EVSE) Load from Feeder and Service Load Calculations (Section 2.9):** Excludes EVSE loads from service load calculations for dwellings, reducing the burden on electrical system sizing when planning for EV chargers in homes. *Effective September 11, 2024, and expires when the code is updated as required by this bill.*
- **Emergency Responder Communication Coverage Exception (Section 2.10):** Exempts one-story buildings under 12,000 square feet from emergency responder communication coverage requirements, simplifying construction for small commercial buildings. *Effective September 11, 2024, and expires when the code is updated as required by this bill.*

Construction Contractors and Design Professionals

- **Court Awards for Contractor Violations (Section 3.1):** Allows courts to award costs and attorney's fees to the licensing boards when violations occur, providing an additional deterrent against unlicensed or non-compliant contracting work. *Effective September 11, 2024, and applies to actions filed or commenced on or after that date.*
- **Amend Electrical Contractor Licensure Requirements (Section 3.2):** Expands the scope of limited electrical contractor licenses to allow work on higher voltage systems (up to 1,000 volts), making it easier for contractors to take on more substantial work. *Effective October 1, 2024.*
- **Fuel Gas Code Reference for Electrical Contractor Exemption (Section 3.3):** Clarifies that the exemption for bonding corrugated stainless steel tubing gas piping systems applies to all current revisions of the Fuel Gas Code. *Effective September 11, 2024.*
- **Building Code Permit Technician Certification (Section 3.4):** Establishes a certification program for building code permit technicians, formalizing qualifications and professional development for individuals involved in permitting processes. *Effective July 1, 2024.*

- **Local Government Review of Seals of Design (Section 3.5):** Prohibits local government staff from making administrative decisions that overrule design professionals (architects and engineers), protecting the integrity of professional designs and ensuring compliance with state laws. *Effective September 11, 2024.*

Environment and Environmental Health

- **Clarify Payments for Privately Owned and Maintained Stormwater Control Projects (Section 4.1):** [S.L. 2023-108](#) prohibited local governments from requiring an owner of a privately owned and maintained stormwater control project (SCP) to make payments to the local government for the purpose of ensuring assets are available for the costs of a SCP. This bill clarifies the requirement that a local government must immediately refund SCP moneys upon request from the owner. *Effective September 11, 2024.*
- **Modify Recordation Requirements for Stormwater Control Measures (Section 4.2):** Requires the Environmental Management Commission to amend rules to simplify the requirement for recording stormwater management agreements, by referencing them on deeds or other instruments of title rather than requiring them on plats, reducing administrative complexity. *Effective September 11, 2024, and expires when permanent rules are adopted, as required by this bill.*
- **Amend NCDEQ Fast Track Sewer Certifications (Section 4.3):** Streamlines the permitting process for sewer system extensions, allowing for faster approvals and making it easier for developers to meet wastewater treatment requirements. *Effective July 1, 2024.*
- **On-Site Wastewater Contractors and Inspectors Certification Board Changes (Section 4.4):** Updates licensing fees and education requirements and creates a new private compliance inspector license. *Effective January 1, 2025.*
- **Allow Private Compliance Inspectors to Inspect Certain On-Site Wastewater Systems (Section 4.5):** Allows private compliance inspectors to inspect on-site wastewater systems and verify the conditions of the Improvement Permit and the Construction Authorization for the purposes of issuing an operation permit. *Effective January 1, 2025.*
- **Licensed Soil Scientist Fees (Section 4.6):** Raises board fees for the first time since 1995 and creates new fees under the North Carolina Board for Licensing of Soil Scientists. *Effective September 11, 2024.*
- **Update Defense and Liability for Registered Environmental Health Specialists (Section 4.7):** Mandates that local health departments must contract with NCDHHS for environmental health services, including quality assurance requirements. Professionals without a contract will not receive statutory defense or liability protections. In cases of judgments or settlements, NCDHHS and the local health department will each pay half of the amount. *Effective September 11, 2024.*
- **Water Supply Well Setback Changes (Section 4.8):** Reduces the minimum setback required between water supply wells and on-site wastewater systems in a saporlite system to 50 feet. *Effective September 11, 2024, and expires when permanent rules are adopted, as required by this bill.*
- **On-Site Wastewater Statute Clarifications (Section 4.9):** Makes corrections and clarifications to the changes made to on-site wastewater statutes made by [S.L. 2023-90](#) and [S.L. 2024-1](#), including clarifying the system owner responsibilities of the system owner and restoring contracting language to its pre-[S.L. 2023-90](#) position. *Effective retroactively to July 10, 2023.*

- **Amend 18E On-Site Wastewater Rules (Sections 4.10-4.47):** Directs the Commission for Public Health to reimplement rules regulating the installation, operation, use and maintenance of on-site wastewater treatment systems to be consistent with what is provided in this bill. *Effective September 11, 2024.*
- **Clarify Built-Upon Area Requirements (Section 4.48):** States that except as required by federal law, local governments may not have a definition of "built-upon area" or impervious surface that does not comply with the statutory list of surfaces that are not built-upon area. Also adds artificial turf installed over a pervious surface according to the manufacturer's specifications to the list of surfaces not considered built-upon area. *Effective September 11, 2024.*
- **Prohibit Public Water and Sewer Systems from Imposing Unauthorized Conditions and Implementing Preference System for Allocating Service to Multifamily or Single Residential Development (Section 4.49):** Prohibits a local government from requiring an applicant for water or sewer service in multifamily or single residential development to agree to any condition not otherwise authorized by law, or to implement a scoring or preference system for water or sewer applicants that does any of the following: includes consideration of building design elements, sets minimum square footage requirements for structures regulated by the Residential Code, requires parking space minimums, requires additional fire apparatus access roads for one- or two-family dwellings. *Effective September 11, 2024.*
- **Establish a Timeline for Review of Applications Submitted to NCDEQ for Water Distribution Systems to Construct or Alter a Public Water System (Section 4.50):** Requires water distribution system authorization applications to be reviewed within 45 days if a complete application meets the Minimum Design Criteria certified by a professional engineer. If additional information is needed or if NCDEQ does not complete the review within 45 days, the application is either paused until the information is received or deemed approved, respectively. *Effective December 1, 2024, and applies to applications submitted on or after that date.*
- **Clarify Public Swimming Pool Laws to Exempt Private Pools Utilized Through a Sharing Economy Platform (Section 4.51):** States that a private pool serving a single-family dwelling that is offered to individuals on a temporary basis via a sharing economy platform do not meet the scope of the public pool laws, provided that the private pool meets the minimum requirements outlined in the bill. *Effective July 1, 2025.*