

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 428

Short Title: Local Gov't Autonomy/Bldg. Stds. (Public)

Sponsors: Senators Mayfield and Woodard (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT LOCAL GOVERNMENTS AUTONOMY OVER BUILDING AND
3 ENERGY EFFICIENCY STANDARDS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-138(e) reads as rewritten:

6 "(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North
7 Carolina State Building Code shall apply throughout the State, from the time of its adoption.
8 Approved rules shall become effective in accordance with G.S. 150B-21.3.

9 (1) ~~However, any Local codes permitted.~~ – Any political subdivision of the State
10 may adopt a fire prevention code and code, an energy conservation code, or
11 floodplain management regulations within its jurisdiction.

12 (2) Jurisdiction. – The territorial jurisdiction of any municipality or county for
13 this purpose, the purpose of local codes under this subsection, unless
14 otherwise specified by the General Assembly, shall be as follows: Municipal
15 jurisdiction shall include all areas within the corporate limits of the
16 municipality and extraterritorial jurisdiction areas established as provided in
17 G.S. 160A-360 or a local act; county jurisdiction shall include all other areas
18 of the county.

19 (3) Approval by Council. – No such code or regulations, other than floodplain
20 management regulations and those permitted by G.S. 160A-436,
21 G.S. 160D-1128, shall be effective until they have been officially approved
22 by the Building Code Council as providing adequate minimum standards to
23 preserve and protect health and safety, in accordance with the provisions of
24 subsection (c) above.

25 (4) Standards for local floodplain regulations. – Local floodplain regulations may
26 regulate all types and uses of buildings or structures located in flood hazard
27 areas identified by local, State, and federal agencies, and include provisions
28 governing substantial improvements, substantial damage, cumulative
29 substantial improvements, lowest floor elevation, protection of mechanical
30 and electrical systems, foundation construction, anchorage, acceptable flood
31 resistant materials, and other measures the political subdivision deems
32 necessary considering the characteristics of its flood hazards and
33 vulnerability.

34 (5) Standards for local fire prevention codes. – In the absence of approval by the
35 Building Code Council, or in the event that approval is withdrawn, local fire
36 prevention codes and regulations shall have no force and effect. Provided any



1 local regulations approved by the local governing body which are found by
2 the Council to be more stringent than the adopted statewide fire prevention
3 code and which are found to regulate only activities and conditions in
4 buildings, structures, and premises that pose dangers of fire, explosion or
5 related hazards, and are not matters in conflict with the State Building Code,
6 shall be approved.

7 (6) Standards for local energy conservation code. – The Council shall approve
8 local modification or replacement for the State Energy Conservation Code if
9 it finds the local modification or replacement is at least as stringent as the State
10 Energy Conservation Code. A failure by the Council to act on the submission
11 of a local modification or replacement within six months from the date it
12 receives a complete submittal of a local modification or replacement shall be
13 deemed to be an approval of the submission.

14 (7) Local enforcement. – Local governments may enforce the fire prevention code
15 of the State Building Code using civil remedies authorized under
16 G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or
17 other State official with responsibility for enforcement of the Code institutes
18 a civil action pursuant to G.S. 143-139, a local government may not institute
19 a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the
20 same violation. Appeals from the assessment or imposition of such civil
21 remedies shall be as provided in G.S. 160A-434.

22 (8) Construal of exception. – A local government may not adopt any ordinance in
23 conflict with the exemption provided by subsection (c1) of this section. No
24 local ordinance or regulation shall be construed to limit the exemption
25 provided by subsection (c1) of this section."

26 **SECTION 2.** This act is effective when it becomes law.