



Key Items and Concerns regarding SB 166

Proposed in SB 166 are many sweeping changes the North Carolina Fire Marshal's Association find concerning. Among these changes are concerns for resident safety due to safety provisions contained within SB 166 that strip away protections afforded by model building codes. North Carolina has a proven process of taking model codes and tailoring them address the needs of North Carolina. Changes to our codes come through committees, commissions, and boards comprised of experts within the realm of construction that ranges from architects, engineers, contractors, developers, field inspectors, and citizens to name a few. Proposed changes in SB 166 give way to a disturbing trend where code protections are being mandated in General Statutes by legislators who lack the expertise in these areas. The North Carolina Fire Marshal's Association members, along with other Fire Service Association members implore everyone to take an extensive look at SB 166 and consider the consequences if passed. The following information comes from key items discussed from a panel of subject matter experts within Fire Marshals offices across the Great State of North Carolina.

Section 1.3(a)

Provisions here lack clarity for building permit fees for local inspection departments and needs precise language regarding intent.

- **All-** need to clarify if changes made in subsection (d) apply to fire agencies also, or are they limited only to local building departments?
- **Finance Committee-** need to clarify if changes made in subsection (d) apply to fire agencies also, or are they limited only to local building departments?

Section 1.9(a)

Eliminating remote parking in subdivisions could lead to more on-street parking designated for fire apparatus emergency access under current NC Fire Code provisions, especially in high-density areas.

- **All-** The NC Fire Code considers all areas of common driveways as fire apparatus access. There are concerns regarding the ongoing enforcement of parking restrictions in high-density areas.
- **Finance Committee-** Could these changes impact revenue that is existing to local governments and their budgetary structures?

- **Rules Committee**- Does this restriction also apply for subdivision accessory use areas such as a swimming pool, marinas, HOA club house, etc.?
- **Local Government** - Could this impact the ability of local jurisdictions to conduct local hazard mitigation based on needs locally through code adoption, as well as impact AHJ's authority to mitigate risks of target hazards within their communities?
- **Oversight and Reform**- Could this impact the ability of local jurisdictions to conduct local hazard mitigation based on needs locally through code adoption, as well as impact AHJ's authority to mitigate risks of target hazards within their communities?

Section 2.1

Proposed changes will impact local fire prevention code uniformity within dwellings subject to the North Carolina Residential Code, creating conditions which are less safe than protections currently in place.

- **All**- The proposed changes made to this section limits local jurisdictions from addressing specific needs for their citizens and community. There is enough ambiguity in the language that could impact emergency vehicle access, fire protection water supplies and premise identification requirements that applies to the development and not each individual dwelling.
- **Finance Committee**- Could these changes impact revenue that is existing to local governments and their budgetary structures?
- **Insurance Committee**- Are these changes impactful to the ability of local jurisdictions to conduct local hazard mitigation based on needs locally through code adoption. There are significant indications that these changes can and will affect ISO scores of Fire Departments and flood insurance consequentially impact constituents negatively regarding premiums.
- **Rules Committee**- Removes the authority of AHJ's to make decisions based on risks to their communities on how they can protect their citizens.
- **Local Government Committee**- This impacts the ability of local jurisdictions to conduct local hazard mitigation based on needs locally through code adoption.
- **Oversight and Reform**- This impacts the ability of local jurisdictions to conduct local hazard mitigation based on needs locally through code adoption.

Section 2.2(c)

Proposed Changes to townhome construction regarding the reduction of fire-resistant construction ratings on end walls and allowing only 6 feet of separation between buildings. Changes like this coupled with less oversight from AHJ's and loosening sprinkler requirements expose occupants and firefighters to increased danger.

- **All**- Proposed changes increase the fire risk to communities, occupants, and fire departments by allowing less fire resistive construction in closer proximity to other

dwelling. The potential for conflagrations increases and compounded by the loosening of fire sprinkler requirements increases risks across the State of North Carolina.

Section 2.7

Implementation of code requirements during incorporation of 3 and 4 family dwellings into residential code above

- **All-** concerns regarding limited code oversight of multi-family (more than 2 dwelling units) that cannot ensure the safety and well-being of those living inside as well as responder safety.
- **Finance Committee**-concerns regarding greatest at-risk populations (low income, retirees, underserved, etc.) that utilize these housing units are further at risk due to lack of safety features found in applicable codes during construction, upon occupancy, and a lack of periodic fire and safety inspections because of changes made in the Bill.
- **Insurance Committee**-model codes require multi-family properties to be protected with fire sprinklers, and further reduces safety for the greatest at-risk populations due to limited construction-related inspections and fire safety inspections for the life of the building.
- **Local Government Committee**-lost oversight provisions stripped away creates risks to first responders mitigating increased fire danger.

Section 3.4(b) line 15

Implementation of permit technicians is indefinably conveyed, and the subsequent abilities of these technicians are confusing for inspection departments and local AHJ's.

- **All-** There is no clear delineation of roles and responsibilities of permit technicians and code enforcement officials and their respective capabilities and authorities.
- **Finance and Local Government Committees**- cost for implementation of program, oversight of the program, additional compensation to employees for additional credentialing, and lack of clarity are concerning for long-term fiscal planning.

Section 3.6

Ability of local government review of affixed seals by engineers and/or design professionals to review and question code approaches to permits and scope of work.

- **All-** The lack of clearly defined intent and language conveys as written that plan reviewers will have limited authority for determining the thoroughness of scope of work and ensuring code compliance and safety for occupants.

- **Rules and Local Government Committees-** There are concerns regarding the need to reword the language of this section to ensure clear, consistent interpretation of this section resulting in less safe environments for occupants.

Section 5.0 line 5

The loss of representation from the North Carolina Firefighters Association on the Building Code Council is troubling due to loss of institutional knowledge and the ability for the Firefighters of North Carolina to have a voice to carry their concerns from across the State.

- **All** – this is concerning regarding the loss of institutional knowledge, at large public interest, and fire service interests regarding safety of structures throughout the State in which they are sworn to protect...sometimes with their lives.

Section 5.0 line 47

The formation of the Residential Code Council should be comprised similarly to the Building Code Council, but the language is very ambiguous concerning Fire Service representation.

- **All-** This line doesn't denote the North Carolina State Firefighters Association or the Office of State Fire Marshal. It reads only that a fire reserve representative shall be appointed to represent. This appointment is not referred from Fire Service associations across our great State as other Fire Service appoints for endeavors like this. More questions need to be asked regarding who the representative is and what is their respective background related to fire service concerns from across the state.

Section 5.1(a)

The reorganization of the Building Code council laid out in this section strips away subject matter experts such as architects, Fire code officials, city/county/manger, and public at large membership. This move is very inconsistent with the current structure in place and limits knowledge and expertise necessary for ensuring safety for citizens and constituents alike.

- **All-** uneasiness regarding the experience level of representation and the removal of local government representation begs the question of who will be the voice for championing safety through the building codes?

Section 5.2(a)

The reorganization of the Building Code and Residential Code councils should be comprised very comparably especially considering experience levels of representatives and how codes are designed regarding safety and protection of occupants.

All- *One member appointed by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina Constitution, who shall be a fire service representative.* It is the understanding of the North Carolina Fire Marshals Association taken from the House committee meeting that addresses the makeup of the Building and Residential Code Councils would be the same. The language proposed currently here flips representation whereas the Residential Code Council will require some version of a fire service representative and the Building Code Council will no longer have that representation.