

IMPORTANT NOTICE FOR PERMITTING & CODE ENFORCEMENT OFFICIALS

On March 19, 2025, the General Assembly ratified House Bill 47, with disaster recovery provisions for Hurricanes Helene, Matthew, and Florence. It was presented it to Governor Josh Stein, who signed it, thereby creating Session Law 2025-2 titled “The Disaster Recovery Act of 2025 – Part I.”

[Click here](#) for Session Law 2025-2 (House Bill 47)

[Click here](#) for history of House Bill 47

Two sections are of importance to permitting and code enforcement officials:

Section 5.7 Reconstruction of Non-Conforming Residential Structures

(found on page 18 of the document)

Section 5.12 Delay 2024 North Carolina State Building Code Effective Date

(found on page 22 of the document)

Both sections are below for convenience and quick reference:

RECONSTRUCTION OF NONCONFORMING RESIDENTIAL STRUCTURES

SECTION 5.7.(a) Notwithstanding any local government development regulation to the contrary, and to the extent allowed by federal law, reconstruction or repair of a nonconforming residential structure in the affected area shall be allowed when all of the following criteria are met:

- (1) The structure shall not be enlarged beyond its original footprint.
- (2) The structure shall serve the same or similar residential use.
- (3) There are no alternatives for replacing the structure to provide the same or similar benefits to the structure owner in compliance with current law.
- (4) The structure will be reconstructed so as to comply with a local government's current development regulations to the maximum extent possible.
- (5) If located in an area regulated by a unit of local government pursuant to a floodplain or flood damage prevention regulation, the structure will be compliant with the regulation.
- (6) Reconstruction shall comply with any federal law requiring local government implementation and enforcement.

SECTION 5.7.(b) For purposes of this section, "development regulation" means a unified development ordinance, zoning regulation, subdivision regulation, historic preservation or landmark regulation, or any other regulation adopted pursuant to Chapter 160D of the General Statutes or a local act or charter that regulates land use or development. The term shall not include (i) a floodplain or flood damage prevention regulation, (ii) local regulations adopted pursuant to G.S. 143-138(e) or adopted pursuant to the North Carolina State Building Code, (iii) erosion and sedimentation or stormwater control regulations adopted to comply with requirements of federal law, or (iv) any other regulations adopted to comply with requirements of federal law.

SECTION 5.7.(c) This section is effective when it becomes law and expires June 30, 2030.

DELAY 2024 NORTH CAROLINA STATE BUILDING CODE EFFECTIVE DATE

SECTION 5.12.(a) Definitions. – For purposes of this section, "2024 North Carolina State Building Code" means the North Carolina State Building Code collection and amendments to the Code, as adopted by the Building Code Council, effective July 1, 2025.

SECTION 5.12.(b) Effective Date Delay. – Notwithstanding G.S. 143-138(d), Section 2 of S.L. 2013-118, Section 1F.3.(b) of S.L. 2024-57, or any other provision to the contrary, the 2024 North Carolina State Building Code shall become effective 12 months after the first day of the month following the date the State Fire Marshal certifies, by letter to the Revisor of Statutes with copies sent to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, that both of the following events have occurred:

- (1) The Building Code Council and Residential Code Council have completed all of the following publication and distribution requirements:
 - a. The initial publication and printing of the adopted 2024 North Carolina State Building Code, including all amendments adopted as of the effective date of this act.
 - b. The distribution of copies of the initially published 2024 North Carolina State Building Code to all State and local officials and departments who are required to receive copies of the Code under G.S. 143-138(g) without the necessity of a written request.
 - c. The making of copies of the initial publication of the 2024 North Carolina State Building Code available for purchase by members of the general public.
- (2) The Residential Code Council is fully constituted in accordance with the membership requirements set forth in G.S. 143-136.1.

SECTION 5.12.(c) Notification Required. – Upon the occurrence of both events specified in subdivisions (1) and (2) of subsection (b) of this section, the State Fire Marshal shall send certification as required under subsection (b) of this section.

SECTION 5.12.(d) No Abrogation. – Nothing in this section abrogates the duties of the Building Code Council or Residential Code Council during the delay created by subsection (b) of this section, including finalizing its publication, providing technical assistance, and educating the public regarding changes to the North Carolina State Building Code.

SECTION 5.12.(e) Expiration. – This section expires 12 months after the first day of the month following the notification required by the State Fire Marshal in subsection (c) of this section.