

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40476-MQ-93

Short Title: Development Application Review Time Lines. (Public)

Sponsors: Representative Gillespie.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REQUIRE REVIEW OF CERTAIN DEVELOPMENT APPROVALS AND
BUILDING INSPECTIONS BY LOCAL GOVERNMENTS WITHIN TWO BUSINESS
DAYS OF REQUEST.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 160D of the General Statutes is amended by
adding a new section to read:

"§ 160D-402.1. Administrative review of applications for development approvals.

(a) Within two business days of a local government's receipt of an application for
development approval, the local government shall complete an administrative review of the
application and any supporting documents and make an administrative decision that does one of
the following:

(1) Notifies the developer in writing that the application is complete and no
further information is required for the local government to make a
development approval determination.

(2) Notifies the developer in writing that the application is deficient and provides
the developer with a deficiency list, in writing, that identifies all of the
following:

a. Each deficiency.

b. The specific law, ordinance, policy, or procedure used as the basis for
each deficiency.

c. A description of the action the local government would deem
corrective for each deficiency identified.

(b) The notice under subdivision (2) of subsection (a) of this section may include local
government recommendations pertaining to the development project but any recommendations
must be clearly designated as recommended or advisory only and shall not be required as a
condition for a development approval determination.

(c) Upon a developer's receipt of a notice of a deficient application and a deficiency list
under subdivision (2) of subsection (a) of this section, the developer may do any of the following:

(1) Correct the deficient application and resubmit a corrected application to the
local government.

(2) Submit a written explanation for each deficiency and request another
administrative review under this section that shall be completed by the local
government within two business days and takes into consideration the written
explanation.

(3) Appeal the administrative decision as provided in G.S. 160D-405.



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(d) Within two business days of a local government's receipt of a corrected application under subdivision (1) of subsection (c) of this section, the local government shall notify the developer in writing whether the application (i) is complete and no further information is required for the local government to make a development approval determination or (ii) does not correct all of the deficiencies identified in accordance with subdivision (2) of subsection (a) of this section. If the developer amended or altered the application with respect to matters that are unrelated to the deficiencies identified in accordance with subdivision (2) of subsection (a) of this section, the local government shall consider the corrected application a new application to be processed in accordance with subsection (a) of this section.

(e) 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 this section.

(f) If the local government does not issue applicable application decisions or determines it is unable to complete application reviews within the time frames prescribed by 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 (g) of this section. Upon acceptance of a completed plan review with certification required by subsection (g) of this section, the local government shall issue applicable permits for the project within two business days and will refund or waive all applicable plan review and permit fees for the project upon issuance of the applicable permits.

(g) An applicant that elects a third-party review under subsection (f) of this section shall provide the local government with a written certification signed by the plan reviewer that plans comply with applicable North Carolina State Building Codes and all other applicable State and local laws. The certification shall be made on a form created by the local government.

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

(i) This section shall not apply to permit applications submitted pursuant to G.S. 160D-1110.1."

SECTION 2. G.S. 160D-1110(b) reads as rewritten:

"(b) A building permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws. Nothing in this section requires a local government to review and approve residential building plans submitted to the local government pursuant to the North Carolina Residential Code, so long as the local government may review and approve the residential building plans as it deems necessary. If a local government chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code, all initial reviews for the building permit shall be performed within ~~15~~ two business days of submission of the ~~plans~~ plans, in accordance with G.S. 160D-402.1. A local government shall not require residential building plans for one- and two-family dwellings to be sealed by a licensed engineer or licensed architect unless required by the North Carolina State Building Code. No building permits shall be issued unless the plans and specifications are identified by the name and address of their author. If the General Statutes require that plans for certain types of work be prepared only by a

licensed architect or licensed engineer, no building permit shall be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General Statutes or of any ordinance or development or zoning regulation requires that work be done by a licensed specialty contractor of any kind, no building permit for the work shall be issued unless the work is to be performed by a licensed contractor."

SECTION 3. G.S. 160D-1104 reads as rewritten:

"§ 160D-1104. Duties and responsibilities.

(a) The duties and responsibilities of an inspection department and of the inspectors in it are to enforce within their planning and development regulation jurisdiction State and local laws relating to the following:

- (1) The construction of buildings and other structures.
- (2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems.
- (3) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition.
- (4) Other matters that may be specified by the governing board.

(b) The duties and responsibilities set forth in subsection (a) of this section include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections in a timely manner, not to exceed two business days from the first request for an inspection, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order adequately to enforce those laws. If an inspection cannot be completed within two business days from the first request for inspection, the inspection department shall notify the permit holder. The governing board has the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

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SECTION 4. G.S. 143-151.8(a)(3) reads as rewritten:

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

- a. An employee of the State or local government, except an employee of the State Department of Labor engaged in the administration and enforcement of sections of the Code that pertain to boilers and elevators.
- b. An employee of a federally recognized Indian Tribe employed to perform inspections on tribal lands.
- c. An individual contracting with the State, a local government, or a federally recognized Indian Tribe to perform inspections on tribal lands.
- d. An individual who is employed by a company contracting with a county or a city to conduct inspections.
- e. A person who is contracting with a local government to perform third-party plan reviews under G.S. 160D-402.1(e).
- f. A person who is contracting with a permit applicant to perform third-party plan reviews under G.S. 160D-402.1(f)."

SECTION 5. G.S. 143-151.12(9) reads as rewritten:

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

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

...

- c. When requested by a permit applicant under G.S. 160D-402.1(f)."

SECTION 6. G.S. 143-151.13 is amended by adding a new subsection to read:

"(g) A licensed architect or licensed professional engineer who possesses a valid certificate under subsection (f) of this section but is not employed by the State or a local government may utilize that certificate for the limited purpose of performing independent third-party plan reviews under subsections (e) and (f) of G.S. 160D-402.1."

SECTION 7. This act becomes effective December 1, 2025, and applies to applications submitted on or after that date.