

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Mar 25, 2025
S.B. 602
PRINCIPAL CLERK

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SENATE BILL DRS45300-NN-42

Short Title: H'cane Helene Bldg Code Window Exemption. (Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE A TEMPORARY EXEMPTION FROM CERTAIN STATE
3 BUILDING CODE REQUIREMENTS PERTAINING TO FIRE-RESISTANT WINDOWS
4 FOR DOWNTOWN, COMMERCIAL STRUCTURES DAMAGED BY HURRICANE
5 HELENE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** For purposes of this act, the following definitions apply:

8 (1) Eligible building. – A commercial building or structure that meets all of the
9 following:

- 10 a. The building or structure is located in a Helene-affected county, as
11 defined by this section, that existed prior to September 27, 2024 and
12 was directly damaged or destroyed by Hurricane Helene.
13 b. The building or structure must be solely classified as a commercial
14 occupancy under the North Carolina State Building Code and not
15 classified under any residential or mixed-use occupancy group in the
16 North Carolina State Building Code.
17 c. The building or structure must be located within the central business
18 district or downtown commercial district of a city or town, as defined
19 by that municipality's governing board or zoning maps.
20 d. The building or structure must be undergoing reconstruction,
21 rebuilding, rehabilitation, or repair solely for the purpose of restoring
22 the building to substantially its previous condition, use, occupancy,
23 and size, without expanding its original footprint, height, or changing
24 its occupancy classification under the North Carolina State Building
25 Code.

26 (2) Fire-resistant window requirements. – Any provision of the North Carolina
27 State Building Code, including the Building Code and the Residential Code,
28 requiring the installation of fire-resistant or fire-rated windows, window
29 glazing, or other fire-rated opening protections for exterior or interior wall
30 openings when constructing, altering, or repairing a building. This includes
31 window requirements for fire protection based on building use, occupancy,
32 proximity to property lines, fire separation distance, interior fire barriers,
33 corridors, partitions, or location in fire-prone areas.

34 (3) Helene-affected county. – Any county in North Carolina declared a major
35 disaster by the President of the United States under the Stafford Act (P.L.
36 93-288) as a result of Hurricane Helene.



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SECTION 2.(a) Window Exemption for Eligible Buildings. – Notwithstanding any provision of the North Carolina State Building Code, G.S. 143-138, or any other law to the contrary, the owner of an eligible building may elect to reconstruct or repair the building with window assemblies having the same fire-protection rating that existed in the building as of September 27, 2024, without being required to upgrade to the current fire-resistant window assemblies required by the State Building Code. This exemption applies solely to the State Building Code provisions mandating a higher or upgraded fire-protection rating or fire-resistant glazing for window openings. This exemption is available only when the work on the eligible building is solely to restore damage caused by Hurricane Helene and does not include additions or changes that would otherwise trigger the higher fire-resistant window requirements.

SECTION 2.(b) Limitation on Exemption. – If the exemption provided by this act is elected for an eligible building, all other applicable provisions of the State Building Code shall remain in full force and effect. The exemption provided by this section does not relieve the building from compliance with other fire safety or State Building Code requirements.

SECTION 2.(c) Required Affidavit. – A building owner electing to utilize the exemption provided by this section shall submit a written affidavit to the local building inspections department with the building permit application and prior to the installation of any windows. The affidavit shall be signed by the owner and notarized to constitute a legally binding statement. The local building inspections department shall retain the affidavit with the building permit records and note the exemption on the certificate of occupancy. The affidavit shall include all of the following:

- (1) A citation to this act and confirmation that the building qualifies as an eligible building under subdivision (1) of Section 1 of this act.
- (2) A statement that the owner voluntarily assumes any risks associated with not installing fire-resistant window assemblies.
- (3) An acknowledgment that alternative means of fire protection have been considered and discussed with the project's contractors or design professionals.
- (4) Identification of the specific window installations for which the exemption is claimed.

SECTION 2.(d) Expiration of Exemption. – To utilize the exemption provided by this section, an owner shall claim the exemption with submission of their building permit application within two years of the effective date of this act. Buildings with windows installed under the exemption may continue to use those windows following the expiration of the two-year period specified by this section; however, any subsequent renovations or additions shall comply with the State Building Code as then in effect.

SECTION 2.(e) Liability Protection. – No state or local government, building code official, inspector, or department shall be liable for any damages arising directly or indirectly from a building owner's use of the exemption provided by this section.

SECTION 2.(f) Rulemaking. – The Office of the State Fire Marshal and the North Carolina Building Code Council may adopt rules to implement the provisions of this act. The Office of the State Fire Marshal shall produce a standard form to provide to local code enforcement officials that may be provided to building owners upon request for purposes of the affidavit requirements of subsection (c) of this section.

SECTION 3. This act is effective when it becomes law and applies to eligible buildings for which construction or repair work is commenced on or after that date.