

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days. For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

TITLE 11 – DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.1 that the Code Officials Qualification Board intends to adopt the rule cited as 11 NCAC 08 .0735.

Codifier of Rules approved this rule as an emergency rule effective April 20, 2020 and received for publication the following notice and proposed temporary rule on April 8, 2020.

Public Hearing:

Date: May 6, 2020

Time: 11:00 a.m.

Location: Phone Number: 877-873-8017, Access Code: 3595763

Reason for Proposed Temporary Action: Code Officials ensure property and life safety by performing necessary, vital, and essential services to the public in the form of building code compliance inspections on residential, commercial, healthcare, and governmental structures. On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommend high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issued Executive Order No. 117 that prohibited mass gatherings, closed schools, and urges social distancing. The NCCOQB has adopted emergency rules to assist current holders of probationary certificates that are good for a maximum of 3 years and may not be extended beyond that period pursuant to statute-NC Gen. Stat. 143-153.13(d). There are a number of licensees with probationary certificates that will be expiring in the near future, but they are unable to obtain their Standard Certificate because the training and testing centers are closed due to COVID-19. The NCCOQB has adopted an emergency rule to prevent the probationary certificates expiring without any type of recourse.

Comment Procedures: Comments from the public shall be directed to: Loretta Peace-Bunch, 1201 Mail Service Center, Raleigh, NC 27699. The comment period begins April 21, 2020 and ends on May 12, 2020.

CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION

SECTION .0700 - QUALIFICATION BOARD-STANDARD CERTIFICATE

11 NCAC 08 .0735 TEMPORARY CERTIFICATE

(a) A temporary certificate shall be issued without examination or additional application to any code enforcement official (CEO) who currently possesses a probationary certificate that expires between March 12, 2020 and December 31, 2020. The application the CEO initially submitted to obtain the probationary certificate shall provide the basis for issuing the temporary certificate.

(b) A temporary certificate shall authorize the CEO, during the effective period of the certificate, to hold the position of the type, level, and location that corresponds to the probationary certificate the applicant previously received. The certificate shall specify the type and level of code enforcement in which the CEO may engage and may be conditioned upon his having supervision from an official with the specified certification or qualifications included on the CEO's probationary certificate application.

(c) The temporary certificate shall be effective for one year only for the period of March 12, 2020 through March 12, 2021 and shall not be renewed. During the one-year period, the official shall complete the requirements set forth in 11 NCAC 08 .0706 to qualify for the appropriate standard certificate.

(d) A CEO who is issued a temporary certificate that the CEO no longer needs or wants shall return the temporary certificate, within 30 days of receipt, to the Engineering and Codes Division of Department of Insurance for cancellation.

(e) A temporary certificate shall remain valid only so long as the person certified is employed by the state or a local government as a code enforcement official of the type and level indicated on the certificate. When the person certified leaves such employment for any reason, he shall return the certificate to the Board.

(f) A CEO with only a temporary certificate and no standard or limited certificate is not required to complete any continuing education courses.

Authority G.S. 143-151.12; 143-151.13.