



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

March 23, 2020

MEMORANDUM #2

TO: Chief Code Officials and County/City Managers

FROM: Cliff Isaac, PE *CI*
Deputy Commissioner
NC Department of Insurance

SUBJECT: Permitting / Requested Inspections

Staff for the Engineering and Codes Division of the NC Department of Insurance and the Chairman of NC Code Officials Qualification Board (Board) have consulted on the issuance of this Memorandum. Currently, we consider construction and inspections to be essential services unless ordered otherwise. While we all continue to deal with the Covid-19, it is important to take necessary precautions to limit the number of people to possible exposure. Following the guidelines of the CDC and your local government health department will prevent and slow down the spread of the virus. As stated earlier, it remains a requirement that jobsites must remain clean and provide a safe environment for all workers. Inspectors can continue to refuse to perform inspections if they determine the safe environment of the jobsite has been compromised. Below is further suggested guidance to both local inspection departments and permit holders.

Inspectors can perform certain live remote (LR) inspections remotely using the following guidance paper approved by the Board. The use of LR inspections is non-mandatory and is determined by the local inspection departments.

https://ncdoi.com/OSFM/Engineering_and_Codes/Documents/Interpretations4/Guidance%20Papers/Live%20Remote%20Paper%2010-2019%20Board%20Approved.pdf

Though this guidance paper was approved by the Board, local inspection departments and their inspectors can elect to perform additional LR inspections outside these suggested procedures. In this National and State declared emergency, local inspection departments should make every effort to perform requested inspections. This may include situations similar to the following:

Occupied Home or Business: Perform any inspection using LR inspections. The inspector may request an email or paperwork stating the work meets the applicable NC Codes, manufacturer's installation requirements and any other requirements. The inspector should note on the inspection report "***LR Inspection due to COVID-19***".

New Construction: Perform inspections normally with the select use of LR inspections that are determined by the local inspection department. The inspector may request an email or paperwork stating the work meets the applicable NC Codes, manufacturer's installation requirements and any other requirements. The inspector should note on the inspection report ***"LR Inspection due to COVID-19"***.

On any LR inspections, and before a Certificate of Occupancy (CO) is granted outside the suggested procedure given in the guidance paper, local inspection departments should maintain records which may include screen shots, documentation, pictures, etc. for any life safety type issues. Local inspections departments should be reminded that they retain responsibility and liability for all inspections performed by their department.

When the declared emergency ends, local inspection departments should return to staying within the suggested procedures contained in the guidance paper. The Board has previously determined that LR Inspections performed pursuant to the revised October 22, 2019 guidance memorandum would not result in disciplinary action by the Board. No such determination has been made regarding the performance of LR Inspections not listed in that memorandum. Inspectors can make future requests to the Board to add additional specific LR inspections to the current approved list. Guidance has been issued on when Engineers/Architects can perform certain element/component inspections.

https://ncdoi.com/OSFM/Engineering_and_Codes/Documents/Interpretations4/Guidance%20Papers/GS%20160A-413.5%20Acceptance%20of%20RA%20or%20PE.pdf

Within the 2018 NC State Building Code: Administrative Code and Policies, Section 107.4 gives a Code Enforcement Official (inspector) the ability to authorize independent inspections. An inspector can deem it necessary to have a licensed design professional to perform a report on related construction elements, components and systems.

Permit holders should continue to request inspections normally. A permit holder can use a licensed design professional to perform a footing, foundation or slab inspection as specified in the guidance paper. All other Section 107 inspections must be performed by an inspector unless deemed otherwise. Permit holders are fully responsible to meet the NC Building Codes, local ordinances, licensing board rules, manufacturers installation requirements, State and Federal law. Any individual or company cannot bypass the inspection process nor start work without a permit (unless exempt per the NC General Statutes).

Interlocal agreements between jurisdictions are encouraged. Emergency interlocal agreements or inspectors having secondary employment from a different jurisdiction that would provide LR inspections would be an acceptable avenue to meet a request from a permit holder.

There may be a time when additional business sectors will be ordered to close. Such an order could cause all work to stop on building sites apart from those working or inspecting buildings then deemed essential, such as hospitals, railways, communication networks, grocery stores, etc. In such a situation, using LR inspections for all inspections, in the judgment of the local jurisdiction, could be an appropriate temporary solution to respond to this unprecedented situation.

Please forward this information to your managers. If you have additional questions, please feel free to contact me at cliff.isaac@ncdoi.gov or 919-605-9652.