



PROPOSED TEMPORARY RULE FOR PUBLICATION ON THE OAH WEBSITE

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Proposed Temporary Rule [G.S. 150B-21.1(a3)]

Proposed Temporary Rule simultaneously adopted as an emergency rule [G.S. 150B-21.1A(a)]

1. Rule-Making Agency: Code Officials Qualification Board

2. Proposed Action -- Mark the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☒ AMENDMENT: 11 NCAC 08 .0602

☐ REPEAL:

3. Public Hearing:

Date: November 21, 2025

Time: 10:00am

Location: Office of the State Fire Marshal, 1429 Rock Quarry Road, Suite 105, Raleigh, NC 27610

4. Reason for agency adopting rule(s) under temporary action:

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
☐ A recent change in federal or state budgetary policy.
Effective date of change:
☐ A recent federal regulation.
Cite:
Effective date:
☐ A recent court order.
Cite order:
☐ Other:

Explain:

See attached.

5. Comments from the public shall be directed to: Name: Kyle Heuser Address: Office of the State Fire Marshal, 1202 Mail Service Center, Raleigh, NC 27699-1202 Phone (optional): Fax (optional): E-Mail (optional): OSFM.Rulemaking@ncdoi.gov	
6. Comment Period Starts: October 30, 2025	Comment Period Ends: November 24, 2025
7. Rule-making Coordinator: Kyle Heuser Address: Office of the State Fire Marshal 1429 Rock Quarry Road, Suite 105 Raleigh, NC 27610 Phone: 919.647.0100 E-Mail: OSFM.Rulemaking@ncdoi.gov Agency contact, if any: Joseph Starling Phone: 919.397.6159 E-mail: joseph.starling@ncdoi.gov	8. The Agency formally proposed the text of this rule(s) on Date: October 28, 2025
	9. Signature of Agency* Head or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Kyle Heuser Title: Rulemaking Coordinator

Reason for Temporary Rule Adoption

The North Carolina Code Officials Qualification Board finds that temporary rulemaking is required to address a serious and unforeseen threat to public health, safety, and welfare created by the current language of 11 NCAC 08 .0602(a)(4). This provision allows an applicant to qualify for a probationary Level III code enforcement certificate solely by passing a community college course examination, without satisfying the experience or examination requirements established by the Board for Level I, II, or III standard certificates, and without first obtaining a Level I or Level II probationary certificate.

Under the existing rule, an individual with only a high school diploma or equivalent could obtain a probationary Level III certificate and immediately perform inspections of complex and high-risk structures such as high-rise buildings, major assembly occupancies, and advanced mechanical, electrical, and fire protection systems (depending upon the trade associated with the Level III probationary certificate). These inspections require advanced technical knowledge and a demonstrated understanding of the North Carolina State Building Code that cannot be verified through a community college course grade.

Because G.S. 143-151.13 authorizes the holder of a probationary certificate to exercise the powers of a code enforcement official during the certificate's effective period, the current rule allows individuals who have not demonstrated adequate qualifications or competency to perform critical inspection duties. This presents an immediate threat to life safety and the integrity of the North Carolina State Building Code enforcement system, and was unforeseen by the Board because it lacked, at the time it adopted the most recent amendment to 11 NCAC 08 .0602(a)(4), the understanding that community colleges allow any individual to register for and take a level III inspector course without having taken any prior level I or level II inspector courses and without any relevant prior experience in the field. Temporary rulemaking is therefore necessary to promptly delete Subparagraph (a)(4) while permanent rulemaking proceeds under the standard notice and hearing procedures.