



BRIAN TAYLOR
STATE FIRE MARSHAL

September 23, 2026

Mr. Buddy Jenkins
Jenkins Consulting Engineers
1606 McArthur Road
Fayetteville, NC 28311

RE: 2018 North Carolina Building Code Section 1030.1; Emergency Escape and Rescue Openings in Group R-4 Occupancies

Dear Mr. Jenkins,

This letter responds to your request for a formal interpretation from the Office of State Fire Marshal (OSFM) dated August 10, 2026, and received by OSFM the same day. Your request is addressed below.

Stated in relevant parts of the documentation received in the request:

"We interpret the North Carolina Building Code, Chapter 10, Means of Egress, and specifically Section 1030, *Emergency Escape and Rescue Openings*, to allow construction of the shelter facility without emergency escape and rescue openings (EEROs). We respectfully request a formal interpretation of the information and supporting documentation attached to this application."

Remarks:

Code sections cited in this letter refer to the 2018 edition of the North Carolina Building Code (NCBC).

Attachment A, a copy of your request for formal interpretation dated August 10, 2026, is attached to this letter for reference.

Code Analysis:

2018 NCBC Section 310.6 – Residential Group R-4 states:

310.6 Residential Group R-4. Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. This group shall include, but not be limited to, the following:

Alcohol and drug centers

OFFICE OF STATE FIRE MARSHAL

1202 MAIL SERVICE CENTER | RALEIGH NC 27699 -1202 | TEL 919.647.0000 | FAX 866.851.6508 | NCOSFM.GOV



Assisted living facilities

Congregate care facilities

Group homes

Halfway houses

Large residential care facilities complying with Section 428.5

Adult day care facilities, less than 24-hour basis

Child day care facilities, less than 24-hour basis

Residential board and care facilities

Respite care facilities licensed as large residential care facilities

Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code.

Comment: The documentation provided by the requester identifies the shelter as a Group R-4 residential board-and-care occupancy. The final sentence of Section 310.6 requires Group R-4 occupancies to meet the construction requirements defined for Group R-3, except as otherwise provided in the NCBC. Therefore, the Group R-3 construction requirements applicable under Section 1030.1 must be considered in determining whether emergency escape and rescue openings are required for the described Group R-4 occupancy.

2018 NCBC Section 1030.1 – General states:

1030.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in Group E classrooms, Group R-2 occupancies in accordance with Tables 1006.3.2(1) and 1006.3.2(2), Group R-2 occupancies without automatic fire sprinkler systems in accordance with Sections 903.3.1.1, and 903.3.1.2 and Group R-3 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Comment: This section identifies Group R-3 as an occupancy for which emergency escape and rescue openings are required. It requires at least one exterior emergency escape and rescue opening in each basement and sleeping room below the fourth story above grade plane. The phrase “in addition to the means of egress required by this chapter” distinguishes an emergency escape and rescue opening from the exit and exit-access requirements otherwise applicable under Chapter 10. Thus, the provision of code-compliant means of egress is considered separately from the Section 1030.1 emergency escape and rescue



opening requirement. Accordingly, the existence of exits serving the building does not, by itself, eliminate an emergency escape and rescue opening otherwise required by Section 1030.1.

2015 International Building Code Commentary to Section 1030.1 states, in relevant part:

Emergency escape and rescue openings (EERO) are required in single-exit residential buildings where occupants may be sleeping during a potential fire buildup (Groups R-2, R-3 and R-4). Group R-2 apartment buildings permitted to have a single exit from a story are required to have EERO by Table 1006.3.2(1), Note a. Group R-2 congregate residences permitted to have a single exit are required to have an EERO by Table 1006.3.2(2), Note a. All Group R-4 congregate residences would also be required to have EERO because Group R-4 follows Group R-3 provisions unless specifically mentioned otherwise (Section 310.6).

Comment: The International Code Council commentary is not adopted as enforceable code text in the 2018 NCBC. Therefore, it does not establish an independent enforceable requirement and cannot amend, expand, or contradict the adopted NCBC provisions. The commentary may be consulted as nonbinding explanatory material, but it does not establish a requirement beyond, or different from, the adopted NCBC text. In this instance, the commentary is consistent with the relationship between adopted NCBC Sections 310.6 and 1030.1: Section 310.6 directs Group R-4 occupancies to meet the construction requirements defined for Group R-3 unless otherwise provided, and Section 1030.1 requires emergency escape and rescue openings in Group R-3 basements and sleeping rooms below the fourth story above grade plane. The adopted NCBC text, not the commentary, is the basis for this interpretation.

Conclusion:

Based on the documentation provided by the requester and the cited provisions of the 2018 North Carolina Building Code, the shelter is identified as a Group R-4 occupancy. Section 310.6 requires Group R-4 occupancies to meet the construction requirements defined for Group R-3, except as otherwise provided in the NCBC. Section 1030.1 requires emergency escape and rescue openings in Group R-3 occupancies.

Read together, these provisions require emergency escape and rescue openings in basements and sleeping rooms below the fourth story above grade plane in the described Group R-4 shelter facility, subject to the exceptions in Section 1030.1. The provision of multiple exits or other code-compliant means of egress does not, by itself, eliminate an emergency escape and rescue opening otherwise required by Section 1030.1 because that section requires such openings in addition to the means of egress required by Chapter 10.

Therefore, the requester's interpretation that the shelter facility may be constructed without emergency escape and rescue openings is not supported by the cited NCBC provisions. The ICC Commentary is not adopted code text and is not relied upon as an independent enforceable requirement; the interpretation is based on the adopted text of Sections 310.6 and 1030.1.



**OFFICE OF STATE
FIRE MARSHAL**
NC DEPARTMENT OF INSURANCE

Sincerely,

Pak Keung Yip, PE
Chief Code Consultant
North Carolina Office of State Fire Marshal

cc: File
Nathan Childs, NCDOJ, counsel for NC Building Code Council, nchilds@ncdoj.gov
Nicki Shaffer, NCDOJ, counsel for NC Residential Code Council, wshaffer@ncdoj.gov
David Rittlinger, NCOSFM, Division Chief - Code and Interpretations, david.rittlinger@ncdoi.gov



Attachment A





**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL
1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
(919) 647-0008
david.rittlinger@ncdoi.gov**

APPEAL TO NCDOI/NCBCC

Hearing Date ____ / ____ / ____

GS 153A-374, GS 160A-434

GS 143-140, GS 143-141

Formal Interpretation by NCDOI _____

Appeal of Local Decision to NCBCC _____

Appeal of Local Decision to NCDOI _____

Appeal of NCDOI Decision to NCBCC _____

APPELLANT Jenkins Consulting Engineers, PA **PHONE** (910) 822 - 1724 **x** _____

REPRESENTING Hoke County Women's Domestic Violence Shelter

ADDRESS 1606 McArthur Road

CITY Fayetteville **STATE** NC **ZIP** 28311

E-MAIL buddyj@jenkinsce.pro **FAX** (_____) _____ - _____

North Carolina State Building Code, Volume Chapter 10 - Section 1031.1

REQUEST ONE: ☒ [X] Formal Interpretation by NCDOI ☐ [] Appeal of Local Decision to NCBCC
☐ [] Appeal of Local Decision to NCDOI ☐ [] Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

We interpret the NC Building Code Chapter 3 Means of Egress and Specifically Section 1030 Emergency Escape and Rescue Openings To Allow Construction of the Shelter Facility Without EEROs. We are Requesting a Formal Interpretation of the Informaiton and Supporting Documentation Attached to this Application.

REASON:

The Building was Constructed Without Emergency Escape and Rescue Openings. Construction has Stopped with a Stop Work Order and Failed Inspection.

APPEAL TO NCDOI/NCBCC

Signature

Buddy Jenkins

DATE:

10 Aug 26

FORM 3/14/17

10 August 2026
Hany Senada, PE &
Division Chief
Codes & Interpretations,
NC Department of Insurance
North Carolina Office of State Fire Marshal

Re: Consolidated Interpretation of NCBC Section 1030.1, Applicability of Emergency Escape and Rescue Openings (EERO)

Chief Building Code Consultant Senada,

We received your interpretation on the applicability of EEROs on an R-4 Occupancy facility in Hoke County from the General Contractor. We offer the following documentation and request a formal interpretation of this important code compliance issue pertaining to life safety in a new building.

Jenkins Consulting Engineers Narrative:

Jenkins Consulting Engineers, (JCE) collaborated in a Design-Build project with M-Square, Construction, a NC Licensed General Contractor to build a new facility to house women, temporarily, recovering from domestic violence abuse. The project title is "Hoke County Women's Domestic Violence Shelter". It is located at 3142 US 401 Business Raeford, North Carolina.

Initial discussions with the owner indicated the facility will be used for **custodial care** and not *medical care*. Custodial Care is defined in the NC building code and summarized here: Assistance with day-to-day living task; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Care is provided to people in the facility who have the ability to respond to emergency situations and evacuate at a slower rate. Other code definitions describe this use as "a shelter for domestic violence survivors and having **normal or prompt** evacuation capability." The length of stay is expected to be varying and generally limited in duration. The facility would be manned by staff 24-hours per day to allow intake at various times. The care is provided for a woman seeking shelter from domestic abuse, and she could be accompanied by a child. The intended *use* is **Residential Group R-4** occupancy classification meeting the minimum construction requirements for Residential Board and Care Occupancy.

Building features and compliance with design standards:

The building construction documents describe the structure as a single-story building with an unoccupied attic space. The building includes sleeping rooms for ten (10) people, administrative office space for staff and a private office. The lobby is secured and designed for guest security and limited entry into the facility. The lobby door is the primary and the only *entrance* into the building. Three (3) additional exits are provided to facilitate safe egress from the building. The building is protected by a fire alarm system in accordance with NFPA 70 and a fire sprinkler system in accordance with NFPA 13R.

The building layout and arrangement of all spaces conforms to the 2024 Edition of the Life Safety Code (NFPA 101), Chapter 32, New Residential Board and Care Occupancy. The building was designed in accordance with the **2018 Edition of the NC Building Code**.

The building plans were reviewed by the general contractor, by the county officials that will use the facility, the building code officials and the fire marshal. Revisions were incorporated into the design to reflect the reviewers' requests. Plans were approved by the user and by the general contractor. Construction cost negotiations began between Hoke County and the General Contractor, and the result was issuance of permits and construction of the facility.

Building framing inspection for code compliance issue:

The local building code official has inspected the construction and disapproved the windows as not being large enough to meet the requirements of emergency escape and rescue openings. Their decision is based on the consolidated interpretation by North Carolina Department of Insurance (NC DOI), dated 17 July 2026 by Hany Senada, PE and is included here as an exhibit. A stop work order is in place and will likely remain in effect until (1) the existing windows presently installed are approved or (2) the existing windows are removed, the rough openings are enlarged and new, taller windows are installed. We request expedited consideration of our request.

JCE Code analysis and interpretation:

The use and occupancy classification conforms to the **NCBC Section 310.6 Residential Group R-4**. Residential board and care facilities, Condition 1, in which custodial care is provided to people, all of whom are capable of responding to an emergency situation without any assistance.

The 2018 NCBC Chapter 10 Means of Egress, **Section 1030 EMERGENCY ESCAPE AND RESCUE**, Paragraph 1030.1 provides:

“General. In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group E classrooms, Group R-2 occupancies in accordance with Code Tables 1006.3.2(1) and 1006.3.2(2) Group R-2 occupancies without automatic fire sprinkler systems in accordance with Sections 903.3.1.1 and 903.3.1.2 and Group R-3 Occupancies...”

Group R-4 is not identified in this code reference.

For clarity the NC Building Code references above are indicated here:

Building Code Table 1006.3.2(1) is marked thus: **STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR R-2 OCCUPANCIES**

And Table 1006.3.2(2) is marked thus: **STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR OTHER OCCUPANCIES**

Section 903.3.1.1 is marked thus: 903.3.1.1 **NFPA 13** Sprinkler Systems

Section 903.3.1.2 is marked thus: 903.3.1.2 **NFPA 13R** Sprinkler Systems

Comment: The code requires Group R-2 occupancies without automatic fire sprinklers to have emergency escape and rescue opening and conversely (implied but not stated) R-2 occupancies that are sprinklered and have more than a single exit do not require emergency escape and rescue openings.

A previous NCDOT formal interpretation for this code **Section 1030** reference accurately considers the CODE and the EXCEPTIONS. The formal interpretation of January 8, 2025 is attached and is provided for comparison purposes.

Continuing with Paragraph 1030.1 General:

“*Basement* and sleeping rooms below the fourth story above *grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where *basements* contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room but shall not be required in adjoining areas of the *basement*. Such openings shall open directly into a *public way* or to a *yard* or *court* that opens to a *public way*.”

Exceptions:

Hoke County DV Escape Windows
Request for Formal Interpretation

1. *Basements* with a ceiling height of less than 80 inches shall not be required to have *emergency escape and rescue openings*.
2. Classrooms with 2 means of egress, basements or sleeping rooms that have an *exit* or *exit access* door that opens directly into a *public way* or to a *yard* or *court* or exterior exit balcony that opens to a *public way* shall not be required to have emergency escape and rescue openings.
3. Omitted here for brevity.
4. Omitted here for brevity.
5. Omitted here for brevity"

The **underlined** text above indicates revisions to the IBC by the NC Building Code Council

Discussion of NCBC Section 1030.1:

Section 1030.1 indicates specific Occupancy and use groups that require emergency escape and rescue openings. The specific uses are:

Classrooms in Group E (Educational Occupancies),

Group **R-2 occupancies** specifically (stories with only one exit or access to only one exit) and (Table 1006.3.2(2)

Group **R-2 occupancies** listed in this Table for other occupancies. The Table footnote "a" address the compliance method of a single exit, with an automatic sprinkler system per **NFPA 13 or 13R**, and the requirement for emergency escape and rescue openings.

Table footnote "c" also address the requirement for **R-2 sleeping units** and **R-2 dwelling units**)

Lastly,

Group **R-3 occupancies** require emergency escape and rescue openings, however, **Exception 2** removes the requirement in locations if the sleeping rooms have an exit door or exit access.

Significantly, the NC Building Code does not provide EERO provision requirements in all Residential Use Groups. R-1 and R-4 uses are not listed in the requirements of Section 1030.1.

Section 310 Residential Group R defines the four (4) individual residential uses and occupancy characteristics. We summarize the characteristics with emphasis on whether the occupancy is "permanent" as follows:

R-1 describes transient occupants,

R-2 describes permanent occupants

R-3 describes permanent occupants

R-4 describes temporary occupancy as either 24 -hour basis or less than 24-hour basis

The R-1 and R-4 uses in the Residential Group each have sleeping rooms, but they differ in the length of stay by the occupants. It is clear from the R-4 description that this project provides temporary shelter for occupants in a residential board and care facility. “Temporary” was explained by the facility operator to be a short, overnight period or for a couple of days.

The code does not explain why R-1 and R-4 uses do not provide for EERO provisions.

CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION and Section 310.6:

“**Residential Group R-4** requires construction to meet the requirements as defined for Group R-3, **except as otherwise provided in this code**”. This is a general statement that requires construction in R-4 occupancies to meet another Residential Group. This statement is like other general requirements in other code sections. It is appropriate to interpret the specific requirements found later in the code (Chapter 10, Section 1030.1 as an example of guidance for the statement “**otherwise provided in this code**”.

Our interpretation is based on an effective use of the North Carolina Building Code and use of the international building code, Chapter 3. It defines the use of all buildings, and it sets the tone for the remaining chapters in the code. **Occupancy** type works with the **construction** type requirements found in chapters 5 and 6 and with fire protection and egress requirements found in chapters 9 and 10.

Section 310.6 includes this general statement, but it does not add specific guidance and a requirement for EERO to the Group R-4. The general statement would be applicable to the condition of *single exit buildings or buildings with two exits*. The number of exits is an example of **requirement for construction**.

Stated another way, it is our contention that a general statement cannot change a specific requirement in the code. The general statement is presented prior to the specific requirement. The specific requirement does not state the code reader must return to the first sections to interpret the meaning of this specific requirement. An interpretation otherwise does not follow the flow and presentation of the North Carolina Building Codes. Please see the **Effective Use of the International Building Code** located on page xiii of the Code.

JCE Understanding of the NCBC and IBC:

The **2018 North Carolina Building Code** is an adaption of the **2015 International Building Code**. It was adopted and modified by the North Carolina Building Code Council (BCC) The BCC was given requirements for code references by NC General Statutes. Guidance is provided in each Code book as to the meaning of text and paragraph markings. Underlined text means this is a variation of the original base IBC and specifically adds requirements or clarification that applies to North Carolina.

If a construction requirement was needed to add EEROs in other occupancies, the code writers would have clearly indicated this requirement. The 2018 NCBC Section 1030.1 would be marked **Group R-4 Occupancies** just as Group E classrooms requirement is marked (underlined) to indicate a change to the IBC. The BCC provides errata and amendments to the published codes that would change the Group R-4 Occupancy to include EERO. We found no amendments to Section 1030.

A code requirement must be clear without requiring the user to investigate the entire group of code sections and tie it all together. Adding, removing, exceptions and conditions for a simple requirement of EERO's in R-4 occupancies is easy to articulate. This is not what we find in the NC Building Code trying to follow your logic. The users of the NC Building Code are unlikely to have the source code (IBC) and its commentary to follow along and arrive at your conclusion.

To explain another way, the 2015 IBC Section 1030.1 *actual code text* is provided here: **1030.1 General.** In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group R-2 occupancies in accordance with Tables 1006.3.2.(1) and 1006.3.2(2) and Group R-3 Occupancies. Basements and sleeping rooms below the fourth story above *grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. (Additional code text for this section is omitted for brevity). There are only two residential use groups, R-2 and R-3 in the International Building Code that require Emergency Escape and Rescue openings under certain building construction conditions, called "exceptions". The previous code sections allow construction of occupied floors with only one exit. If the building is constructed to the minimum requirements, then Section 1030.1 must be considered and properly evaluated to make sure the occupants have a safe egress path to the exterior in a fire emergency. All these requirements are found in **Chapter 10**. Its title is **Means of Egress**.

EXCEPTIONS:

Hoke County DV Escape Windows
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1. N/A
2. *Emergency escape and rescue openings* are not required from *basements* or sleeping areas that have an *exit* door or *exit access* door that opens directly into a *public way*.
3. N/A

This clearly indicates that the code writer's intention is to require EERO in all uses where the occupancy is **permanent** in nature, with R-2 and R-3 Use Groups. It is also clear the code writer's intention is to require EERO in all R-2 and R-3 Occupancy Use Groups with a **single exit**.

The consolidated interpretation from the Chief Building Code Consultant relies heavily on the commentary text found in the 2015 International Building Code Commentary. The opinion is problematic as **not all provisions** of the IBC were adopted by the BCC and **none** of the IBC commentary is adopted in the NC Building Code. Simply put, "code commentary cannot change the adopted code".

The interpretation cites the IBC commentary, specifically stating the "commentary explains a general principle that R-4 "follows R-3 unless otherwise stated" and therefore commentary often treats R-4 similarly to R-3 for EEROs residential buildings, thus far. NCBC section 310.6 states Group R-4 shall meet the requirements for construction as defined for Group R-3, Since R-3 occupancy is required for EEROs therefore R-4 it does require it as well."

The consolidated interpretation continues:

"Conclusion;

Given that Group R-4 occupancies adopt Group R-3 construction requirements unless explicitly exempted, and Group R-3 requires emergency escape and rescue openings for sleeping rooms, Group R-4 Condition 1 buildings with bedrooms must comply with EERO requirements."

Comment: Would the public be better served to simply say "R-4 occupancies require EERO"?

JCE disagrees with the interpretation because it takes the commentary out of context and assembles it back together, changing its meaning. This opinion narrative does not explain the provision accurately and falsely presents it as CODE requirements.

When we apply our understanding and our interpretation of Section 1030.1 it is with knowledge and understanding of a previous code provision of **Section 1006.3.2 Single**

Hoke County DV Escape Windows
Request for Formal Interpretation

Exits. The section reads “A single *exit* or access to a single *exit* shall be permitted from any *story* or occupied roof where one of the following conditions exists:

1. N/A
2. N/A
3. N/A
4. Group R-3 and R-4 occupancies shall be permitted to have one *exit* or access to a single *exit*.
5. N/A

This provision and code Section enforces our understanding and interpretation that stipulates the following:

IF a building story is served by a **single exit** as permitted by Means of Egress Section 1006.3.2 (above) then the EERO codified in Section 1030.1 are required. This EERO will provide the occupants with a second means of escape.

Conversely, a building story that is served by **more than one exit** is not required to have EERO windows. The second door or door access will provide the occupants with a second means of escape.

JCE interpretation and conclusion:

By applying the additional and relevant code sections and specifically, **Section 1030.1** to this building’s life safety and egress plan, the layout helps the code official understand the designer’s intent for key elements of the building and means of egress. The **NFPA 101 “Life Safety Code”** is a nationally recognized code that provides tremendous guidance in the layout of building elements and is the basis of design for the AHJ (Authorities Having Jurisdiction) regarding LIFE SAFETY. The commentary provides valuable insight into design.

A second supplemental drawing is provided here to further describe the egress and escape elements. The drawing is identified as Sheet LS.1 “Means of Escape”. The drawing explains and illustrates the building element “Exit passageway”.

The 2021 International Building Code Illustrated Handbook by McGraw Hill and Thornburg provides useful commentary about Section 1024 **Exit Passageways**, **noting:** “Therefore, an exit passageway is used to literally bring the exit to the interior of the spaces and to the building occupant so that it is possible for any building occupant to reach and enter the exit passageway within the permitted travel distance.”

Hoke County DV Escape Windows
Request for Formal Interpretation

The original construction documents, specifically sheet LS, Life Safety Plan indicates the building elements to provide secondary means of escape and notes there are no emergency escape windows (per 1030).

JCE considers the secondary egress path is adequate and complies with the various code sections, with the exceptions provided. This compliance eliminates the need for emergency escape and rescue openings described in section 1030.1.



Buddy Jenkins, PE Date of Signature 8 AUG 2026
Jenkins Consulting Engineers
1606 McArthur Road
Fayetteville, North Carolina 28311
910-822-1724

Exhibits provided with this request for a formal interpretation:

- (1) Appendix E, Formal Interpretation Request from NCDOT
- (2) By Reference, the 2018 NC Building Code, 310.6, 1006.2.1, 1006.3.2, 1030.1
- (3) By Reference, the 2015 International Building Code and Commentary, 310.6, 1030.1
- (4) By Reference, the 2024 NFPA 101, Life Safety Code Handbook and Commentary, Chapter 32 New Board and Care Occupancies
- (5) By Reference, the 2021 International Code Illustrated Handbook, by McGraw Hill and Douglas W. Thornburg, AIA, CBO, Section 1031 Emergency Escape and Rescue
- (6) Consolidated Interpretation for Hoke County Inspection Office request, by Hany Senada, P.E. Chief Building Code Consultant
- (7) JCE Drawing Life Safety Plan, sheet LS, 29 December 2025
- (8) JCE Drawing Means of Escape, sheet LS.1, 8 August 2026
- (9) Formal Interpretation by David Rittlinger, PE, LEED AP Division Chief January 8, 2025

Buddy Jenkins

From: Marty Rentschler <MRentschler@msquareus.com>
Sent: Monday, July 20, 2026 9:29 AM
To: Buddy Jenkins; Bao Thai
Cc: Caleb Messer; Samantha Locklear
Subject: FW: [External] R-4 OCCUPANCY

See Below comments from the inspector

Respectfully,

Marty Rentschler, Senior Project Manager
Msquare Construction, Inc.

230 Donaldson Street, Ste 400A | Fayetteville, NC | 28301
C: 910.929-7668 | O: 910.427.7777 | F: 910.999.5111

✉: mrentschler@msquareus.com

website: www.msquare.com

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From: Scotty Locklear <slocklear@hokecounty.org>
Sent: Friday, July 17, 2026 4:09 PM
To: Marty Rentschler <MRentschler@msquareus.com>
Subject: FW: [External] R-4 OCCUPANCY

Good afternoon, I tried to return Buddy Jenkins(engineer) call to discuss section 1030 of the 2018 NC building code. But was not able to speak to him. Below is the interpretation that was sent from the NC department of insurance pertaining to egress requirements for the R-4 occupancy. If you would, please forward this to him or his offices. Thanks

From: Senada, Hany A <hany.senada@ncdoi.gov>
Sent: Friday, July 17, 2026 3:33 PM
To: Scotty Locklear <slocklear@hokecounty.org>
Cc: Yip, Pak <pak.yip@ncdoi.gov>
Subject: RE: [External] R-4 OCCUPANCY

You don't often get email from hany.senada@ncdoi.gov. [Learn why this is important](#)

CAUTION: This email originated from outside of the Hoke County Internal Network. Do not open attachments unless you recognize the sender and know the content is safe. Don't use hyperlinks contained within emails, even from trusted sources, instead manually type the website address into your browser's address

bar, rather than clicking the link. Never give credentials/passwords via email or hyperlinks.

Scotty,

In response to your question regarding Group R-4 Condition 1 occupancies and the applicability of emergency escape and rescue openings (EEROs): **yes**, EERO requirements do apply. Below is a consolidated interpretation based on the 2018 North Carolina Building Code (NCBC).

2018 NCBC Section 1030.1 – Applicability of EEROs

SECTION 1030 EMERGENCY ESCAPE AND RESCUE

1030.1 General. In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group E classrooms, Group R-2 occupancies in accordance with Tables 1006.3.2(1) and 1006.3.2(2), Group R-2 occupancies without automatic fire sprinkler systems in accordance with Sections 903.3.1.1 and 903.3.1.2 and Group R-3 occupancies. *Basements* and sleeping rooms below the fourth story above *grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where *basements* contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room, but shall not be required in adjoining

areas of the *basement*. Such openings shall open directly into a *public way* or to a *yard* or *court* that opens to a *public way*.

Exceptions:

2015 IBC Commentary clip attached clarifies that EEROs are required in R-2, R-3, and R-4 occupancies.

- R-2 apartment buildings allowed a single exit must provide EEROs per Table 1006.3.2(1), Note a.
- R-2 congregate residences permitted a single exit must provide EEROs per Table 1006.3.2(2), Note a.
- All Group R-4 congregate residences must also provide EEROs because Section 310.6 directs R-4 to follow R-3 requirements unless specifically stated otherwise.

❖ Emergency escape and rescue openings (EERO) are required in single-exit residential buildings where occupants may be sleeping during a potential fire buildup (Groups R-2, R-3 and R-4). Group R-2 apartment buildings permitted to have a single exit from a story are required to have EERO by Table 1006.3.2(1), Note a. Group R-2 congregate resi-

dences permitted to have a single exit are required to have an EERO by Table 1006.3.2(2), Note a. All Group R-4 congregate residences would also be required to have EERO because Group R-4 follows Group R-3 provisions unless specifically mentioned otherwise (Section 310.6).

reading in NCBC section **310.6 Residential Group R-4**. Residential Group R-4 occupancy

shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living facilities

Congregate care facilities

Group homes

Halfway houses

Large residential care facilities complying with Section 428.5

Adult day care facilities, less than 24-hour basis

Child day care facilities, less than 24-hour basis

Residential board and care facilities

Respite care facilities licensed as large residential care facilities

Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code.

In addition, commentary explains a general principle that R-4 “follows R-3 unless otherwise stated,” and therefore commentary often treats R-4 similarly to R-3 for EEROs residential buildings, thus far, NCSBC section 310.6 states group R-4 shall meet the requirements for construction as defined for group R-3, since R-3 occupancy is required for EEROs therefore R-4 it does require it as well.

Conclusion;

Given that Group R-4 occupancies adopt Group R-3 construction requirements unless explicitly exempted, and Group R-3 requires emergency escape and rescue openings for sleeping rooms, Group R-4 Condition 1 buildings with bedrooms must comply with EERO requirements.

I hope this information is helpful for you, please let me know if you have further questions.

Kind regards.

Hany Senada, P.E.

Chief Building Code Consultant



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0071

hany.senada@ncdoi.gov

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NCDOT Web Interpretations: <https://www.ncosfm.gov/interpretations>

Formal interpretation request: <https://www.ncosfm.gov/appeals-and-formal-interpretations>

From: Yip, Pak <pak.yip@ncdoi.gov>
Sent: Friday, July 17, 2026 2:31 PM
To: Scotty Locklear <slocklear@hokecounty.org>
Cc: Senada, Hany A <hany.senada@ncdoi.gov>
Subject: FW: [External] R-4 OCCUPANCY

Scotty,

Thank you for your inquiry regarding the EERO. Since your question pertains to the NC Building Code, I am forwarding it to Hany Senada, our Chief Building Code Consultant, for further review and action.

Should you have any additional questions or require further assistance, please feel free to contact me.

Best regards,

Pak Keung Yip, P.E.
Chief Code Consultant



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0007

From: Scotty Locklear <slocklear@hokecounty.org>
Sent: Friday, July 17, 2026 2:29 PM
To: Yip, Pak <pak.yip@ncdoi.gov>
Subject: [External] R-4 OCCUPANCY

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Good afternoon, I have a R-4 condition (condition 1) occupancy that has bedrooms. Does the emergency escape and rescue apply to this type of occupancy as far as the window opening size?

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Buddy Jenkins

From: Marty Rentschler <MRentschler@msquareus.com>
Sent: Monday, July 20, 2026 9:29 AM
To: Buddy Jenkins; Bao Thai
Cc: Caleb Messer; Samantha Locklear
Subject: FW: [External] R-4 OCCUPANCY

See Below comments from the inspector

Respectfully,

Marty Rentschler, Senior Project Manager
Msquare Construction, Inc.

230 Donaldson Street, Ste 400A | Fayetteville, NC | 28301
C: 910.929-7668 | O: 910.427.7777 | F: 910.999.5111

✉: mrentschler@msquareus.com

website: www.msquare.com

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From: Scotty Locklear <slocklear@hokecounty.org>
Sent: Friday, July 17, 2026 4:09 PM
To: Marty Rentschler <MRentschler@msquareus.com>
Subject: FW: [External] R-4 OCCUPANCY

Good afternoon, I tried to return Buddy Jenkins(engineer) call to discuss section 1030 of the 2018 NC building code. But was not able to speak to him. Below is the interpretation that was sent from the NC department of insurance pertaining to egress requirements for the R-4 occupancy. If you would, please forward this to him or his offices. Thanks

From: Senada, Hany A <hany.senada@ncdoi.gov>
Sent: Friday, July 17, 2026 3:33 PM
To: Scotty Locklear <slocklear@hokecounty.org>
Cc: Yip, Pak <pak.yip@ncdoi.gov>
Subject: RE: [External] R-4 OCCUPANCY

You don't often get email from hany.senada@ncdoi.gov. [Learn why this is important](#)

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bar, rather than clicking the link. Never give credentials/passwords via email or hyperlinks.

Scotty,

In response to your question regarding Group R-4 Condition 1 occupancies and the applicability of emergency escape and rescue openings (EEROs): **yes**, EERO requirements do apply. Below is a consolidated interpretation based on the 2018 North Carolina Building Code (NCBC).

2018 NCBC Section 1030.1 – Applicability of EEROs

SECTION 1030 EMERGENCY ESCAPE AND RESCUE

1030.1 General. In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group E classrooms, Group R-2 occupancies in accordance with Tables 1006.3.2(1) and 1006.3.2(2), Group R-2 occupancies without automatic fire sprinkler systems in accordance with Sections 903.3.1.1 and 903.3.1.2 and Group R-3 occupancies. *Basements* and sleeping rooms below the fourth story above *grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where *basements* contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room, but shall not be required in adjoining

areas of the *basement*. Such openings shall open directly into a *public way* or to a *yard* or *court* that opens to a *public way*.

Exceptions:

2015 IBC Commentary clip attached clarifies that EEROs are required in R-2, R-3, and R-4 occupancies.

- R-2 apartment buildings allowed a single exit must provide EEROs per Table 1006.3.2(1), Note a.
- R-2 congregate residences permitted a single exit must provide EEROs per Table 1006.3.2(2), Note a.
- All Group R-4 congregate residences must also provide EEROs because Section 310.6 directs R-4 to follow R-3 requirements unless specifically stated otherwise.

❖ Emergency escape and rescue openings (EERO) are required in single-exit residential buildings where occupants may be sleeping during a potential fire buildup (Groups R-2, R-3 and R-4). Group R-2 apartment buildings permitted to have a single exit from a story are required to have EERO by Table 1006.3.2(1), Note a. Group R-2 congregate resi-

dences permitted to have a single exit are required to have an EERO by Table 1006.3.2(2), Note a. All Group R-4 congregate residences would also be required to have EERO because Group R-4 follows Group R-3 provisions unless specifically mentioned otherwise (Section 310.6).

reading in NCBC section **310.6 Residential Group R-4**. Residential Group R-4 occupancy

shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. This group shall include, but not be limited to, the following:

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Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code.

In addition, commentary explains a general principle that R-4 “follows R-3 unless otherwise stated,” and therefore commentary often treats R-4 similarly to R-3 for EEROs residential buildings, thus far, NCSBC section 310.6 states group R-4 shall meet the requirements for construction as defined for group R-3, since R-3 occupancy is required for EEROs therefore R-4 it does require it as well.

Conclusion;

Given that Group R-4 occupancies adopt Group R-3 construction requirements unless explicitly exempted, and Group R-3 requires emergency escape and rescue openings for sleeping rooms, Group R-4 Condition 1 buildings with bedrooms must comply with EERO requirements.

I hope this information is helpful for you, please let me know if you have further questions.

Kind regards.

Hany Senada, P.E.

Chief Building Code Consultant



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Chief Code Consultant



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[illegible]



BRIAN TAYLOR
STATE FIRE MARSHAL

January 8, 2025

Mr. Tom DiBenedetto
Town of Chapel Hill Building Development Service Department
405 Martin Luther King Boulevard
Chapel Hill, NC 27514

RE: 2018 NCBC Section 1030 Emergency Escape and Rescue

Mr. DiBenedetto:

This letter is in response to your request for a formal interpretation from the Office of State Fire Marshal ("OSFM") dated 7/25/23 and received by OSFM the same day. Of note, this issue was resolved after a site visit by OSFM and subsequent correspondence between the Town of Chapel Hill Building Development Service Department and the permit holder in August and September 2023. This delayed formal response letter serves to complete the documentation requested by the Town of Chapel Hill Building Development Service Department. Thank you for your patience in waiting for this non-time sensitive formal interpretation response while our office handled other commitments. Requests are addressed below in the order in which they are posed.

Stated in relevant parts:

"Narrative for NCDOT Official Interpretation

The Town of Chapel Hill Building Development Services Department was asked to review a field call at 318 W. Rosemary by the applicant on the requirements of needing Emergency Escape and Rescue Openings (EERO). The Town followed the guidance and requirements as described in the North Carolina General Statutes and NCDOT guidance. The review team's decision is based on the applicant's submittal, plans, codes, and photographs as well as the historical events from fire events in the past in town as well as existing conditions on site and proposed use.

- The town experienced a tragic loss of six students from a fire in the past where insufficient components and elements were not in place that could have made a difference in the outcome.
- The main use of the structure will be for student housing.
- The area in question is substantially below grade.
- The proximity of the building to the property line and adjacent building is extremely close.

Based on the information submitted, above and past practical experiences the Town of Chapel Hill as the AHJ does not approve the structure as constructed and that EERO will be required for those bedrooms in question."

OFFICE OF STATE FIRE MARSHAL

1202 MAIL SERVICE CENTER | RALEIGH NC 27699 -1202 | TEL 919.647.0000 | FAX 866.851.6508 | NCOSFM.GOV



Remarks:

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

Code Analysis: The apartments used for student housing at 318 W. Rosemary Street, Chapel Hill, NC are classified as Residential Group R-2 per 2018 North Carolina Building Code (NCBC), Section 310.4. The Chapter 2 definition of “story above grade plane” is applicable to the Level 1 apartments as the floor of Level 2 above is more than six feet above grade plane. The Chapter 2 definition of “basement” is not applicable to the Level 1 apartments.

Emergency escape and rescue openings (EERO) are not required unless one of the following occupancy classifications is applicable within 2018 NCBC 1030.1:

1. Group E classrooms.
2. Group R-2 occupancies in accordance with Tables 1006.3.2(1) and 1006.3.2(2).
3. Group R-2 occupancies without automatic fire sprinkler systems in accordance with Sections 903.3.1.1, and 903.3.1.2.
4. Group R-3 occupancies.

The Level 1 apartments are equipped throughout with an automatic fire sprinkler system as per the design documents included in Attachment A and as verified in a site visit by OSFM. The Level 1 apartments are provided with exit access to two exits; one to the north and one to the south as per the design documents included in Attachment A and as verified in a site visit by OSFM.

....

310.4 Residential Group R-2. Residential Group R-2 occupancies containing sleeping units or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

Apartment houses

Boarding houses (nontransient) with more than 16 occupants

Congregate living facilities (nontransient) with more than 16 occupants

Convents

Dormitories

Fraternities and sororities

Hotels (nontransient)

Live/work units

Monasteries

Motels (nontransient)

Open air camp cabin (nontransient) with 17 to 36 occupants

Vacation timeshare properties

....



STORY ABOVE GRADE PLANE. Any *story* having its finished floor surface entirely above *grade plane*, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above *grade plane*; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

....

BASEMENT. A *story* that is not a *story above grade plane* (see "*Story above grade plane*"). This definition of "Basement" does not apply to the provisions of Section 1612 for flood *loads*.

....

1030.1 General. In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group E classrooms, Group R-2 occupancies in accordance with Tables 1006.3.2(1) and 1006.3.2(2), Group R-2 occupancies without automatic fire sprinkler systems in accordance with Sections 903.3.1.1, and 903.3.1.2 and Group R-3 occupancies. *Basements* and sleeping rooms below the fourth story above *grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where *basements* contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room, but shall not be required in adjoining areas of the *basement*. Such openings shall open directly into a *public way* or to a *yard* or *court* that opens to a *public way*.

....

TABLE 1006.3.2(1)
STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR R-2 OCCUPANCIES

STORY	OCCUPANCY	MAXIMUM NUMBER OF DWELLING UNITS	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE
Basement, first, second or third story above grade plane	R-2 ^{a, b}	4 dwelling units	125 feet
Fourth story above grade plane and higher	NP	NA	NA

For SI: 1 foot = 3048 mm.

NP = Not Permitted.

NA = Not Applicable.



- a. Buildings classified as Group R-2 equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with *emergency escape and rescue openings* in accordance with Section 1030.
- b. This table is used for R-2 occupancies consisting of *dwelling units*. For R-2 occupancies consisting of *sleeping units*, use Table 1006.3.2(2).

....

TABLE 1006.3.2(2)
STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR OTHER OCCUPANCIES

STORY	OCCUPANCY	MAXIMUM OCCUPANT LOAD PER STORY	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE (feet)
First story above or below grade plane	A, B ^b , E F ^b , M, U	49	75
	H-2, H-3	3	25
	H-4, H-5, I, R-1, R-2 ^a , C, R-4 ^e	10	75
	S ^{b, d}	29	75
Second story above grade plane	B, F, M, S ^d	29	75
Third story above grade plane and higher	NP	NA	NA

For SI: 1 foot = 304.8 mm.

NP = Not Permitted.

NA = Not Applicable.

- a. Buildings classified as Group R-2 equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with *emergency escape and rescue openings* in accordance with Section 1030.
- b. Group B, F and S occupancies in buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall have a maximum *exit access* travel distance of 100 feet.



- c. This table is used for R-2 occupancies consisting of *sleeping units*. For R-2 occupancies consisting of *dwelling units*, use Table 1006.3.2(1).
- d. The length of *exit access* travel distance in a Group S-2 *open parking garage* shall be not more than 100 feet.
- e. R-4 adult and child day care facilities shall have two exits or the rooms where the occupants receive care shall be located on the level of exit discharge and each of these rooms shall have an exit door directly to the exterior.

....

Conclusions: Emergency escape and rescue openings (EERO) are not required for the Level 1 apartments because both 2018 NCBC 1030.1 and Tables 1006.3.2(1) and 1006.3.2(2) are not applicable because the Level 1 apartments are equipped throughout with an automatic fire sprinkler system and are provided with exit access to two exits.

Sincerely,

David Rittlinger, PE, LEED AP
Division Chief – Codes & Interpretations
North Carolina Office of State Fire Marshal

cc: Nathan Childs, NCDOJ, counsel for NC Building Code Council, nchilds@ncdoj.gov
Nicki Shaffer, NCDOJ, counsel for NC Residential Code Council, wshaffer@ncdoj.gov
Pak Yip, NCOSFM, Chief Code Consultant, pak.yip@ncdoi.gov