

**NC Department of Insurance
Office of the State Fire Marshal - Engineering Division
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919-647-0000**

Guidance Paper: Inspection Department Informal Internal Review Process

Code: 2012 NC Administrative Code and Policies
Section: GS 153A-352(f) and GS 160A-412(f)

Date: 10/18/2017

Question #1:

What is informal “internal review” as required by § 153A-352(f) or § 160A-412(f)?

Opinion:

This review is performed when there is a disagreement between an applicant or permit holder and a Building Safety Official (inspector). This process will document the review of a fellow inspector’s (supervisee) inspection or decision by the Chief Building Inspector or supervisor.

Question #2:

Does a supervisor have the right to overturn a decision made by a Building Safety Official?

Opinion:

Yes, a supervisor can overturn a decision provided building codes and all laws are met.

Question #3:

What is an acceptable process for the informal internal review of inspection decisions based upon § 153A-352(f) or § 160A-412(f) – (see reference #1)?

Opinion:

The statute points out requirements for such a process. Below is a guide for jurisdictions in need of more clarification:

1. A form, as issued or approved by the Authority Having Jurisdiction, indicating the supervisor’s contact information will be provided on permit documents per the General Statute (see template attached) with the following notice displayed: “Any disagreement with a decision made by a Building Safety Official (i.e. field inspector, or plan reviewer) may be brought before the Chief Building Inspector (Supervisor) for review”.
2. Upon receipt of notification of a question or disagreement with an inspection decision made during a scheduled inspection by an Applicant, the following information shall be collected and documented for reporting purposes:
 - a. Name of Applicant requesting the decision review.
 - b. Address, mobile phone number and email address of Applicant.
 - c. Permit number and Permit Holder.

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- d. Permit address.
 - e. Date of inspection or decision.
 - f. Type of inspection or decision (ie: Framing).
 - g. Name of Building Safety Official who made the inspection or decision.
3. Document the reported nature of the decision that is being requested for review.
 - a. What is the account of the Building Safety Official's decision?
 - i. Include any supporting documents, reports, pictures and evidence that brought into question the decision.
 - b. What is the inspection result of this decision, as documented in the Permit file?
4. Supervisor to meet with the Building Safety Official to document the decision and account of the issues.
 - a. Building Safety Official to be given opportunity to discuss the decision.
 - b. Building Safety Official may provide any supporting information, references or evidence that was used to support the decision made.
5. Supervisor is to assess and determine the disposition of this decision. He may choose to visit the project site to gather further information if needed.
6. Upon completion of this determination, the Supervisor will inform all parties. A summary of these findings will be included in the project file.
7. The Supervisor will document this process in an established format that will facilitate conveyance to the necessary designated recipient per General Statute.

Important Notes:

1. Each jurisdiction shall implement a process for an informal internal review of inspection decisions made by the department's inspectors (see template attached).
2. Each jurisdiction is to submit the number of times an internal review process was utilized and the outcome of the reviews to the Joint Legislative Committee on Local Government. This submission can be reported using the attached report template.
3. The templates can be downloaded in MS Word format at:

http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Enforcement_-_Design_Tools&user=Code_Enforcement_Resources

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References: {§ 160A-412(f) - Similar - Not shown}

1. § 153A-352(f) – *"Each inspection department shall implement a process for an informal internal review of inspection decisions made by the department's inspectors. This process shall include, at a minimum, the following:*

- (1) Initial review by the supervisor of the inspector.*
- (2) The provision in or with each permit issued by the department of (i) the name, phone number, and e-mail address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.*
- (3) Procedures the department shall follow when a permit holder or applicant requests an internal review of an inspector's decision.*

Nothing in this subsection shall limit or abrogate any rights available under Chapter 150B of the General Statutes to a permit holder or applicant.

“SECTION 4. (c) Each inspection department shall report to the Joint Legislative Committee on Local Government no later than January 15 of each year on the implementation over the prior calendar year of the informal internal review process required by G.S. 153A-352(f) and G.S. 160A-412(f), as enacted by subsections (a) and (b), respectively, of this section. The report shall include the number of times the informal internal review process was utilized and the outcome of the review. An inspection department may meet the reporting requirement of this section by submitting the information required for the report to an organization of cities or counties for combination into a single report submitted on behalf of the organization's members.

SECTION 4. (d) Subsections (a) and (b) of this section become effective December 1, 2017. Subsection (c) of this section becomes effective January 1, 2018, and expires on June 30, 2022. The first reports required to be prepared pursuant to subsection (c) of this section shall be submitted no later than January 15, 2018.”

Keywords:

[INSPECTION DEPARTMENT LOGO]

AUGUST 2017
PER SESSION LAW 2017-130

G.S 153A.352 OR 160A-412 INFORMAL INTERNAL REVIEW OF INSPECTION DECISIONS

Any disagreement with a decision made by a Building Safety Official may be brought before the Chief Building Inspector (Supervisor) for review.

Per Session Law 2017-130, Section 4(a) or (b), ratified on July 20th, 2017, GS 153A-352(f) or GS 160A-412(f) now requires a process for which an applicate or permit holder can request an internal review of a decision made by an inspector.

(f) – "Each inspection department shall implement a process for an informal internal review of inspection decisions made by the department's inspectors. This process shall include, at a minimum, the following:

- (1) Initial review by the supervisor of the inspector.
- (2) The provision in or with each permit issued by the department of (i) the name, phone number, and e-mail address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.
- (3) Procedures the department shall follow when a permit holder or applicant requests an internal review of an inspector's decision.

Nothing in this subsection shall limit or abrogate any rights available under Chapter 150B of the General Statutes to a permit holder or applicant."

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Internal Review of Inspection

| | |
|---|--|
| Applicant (Name): | |
| Address of Applicant: | |
| Mobil phone number: | |
| Email address: | |
| Permit No: | |
| Permit Holder Name (if different): | |
| Permit address: | |
| Date of Inspection or decision: | |
| Type of Inspection or decision (ie: Framing): | |
| Name of Building Safety Official who made the inspection or decision: | |
| Account of the Building Safety Official's decision: (attach supporting documents) | |
| Inspection result: | |
| Supervisor Name, Phone and Date of Review: | |
| Supervisor Review and result of inspection or decision: | |
| Additional Summary of findings: | |
| Date sent to Applicant: | |

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Report to the Joint Legislative Committee on Local Government

Pursuant to S.L. 2017-130, Sec. 4(c)
BUILDING CODE REGULATORY REFORM

January 15, 2018

Name of Inspection Department: [name of jurisdiction]

Name of person preparing report: [typed name of person]

Signature of person: [signature]

Date of report: [date]

*Submit this report electronically to Brad Krehely, Staff Attorney,
Legislative Analysis Division, at brad.krehely@ncleg.net.*

*** Please attach any written procedures that may have been developed to implement the provisions of this law and the outcomes of any informal reviews. ***

Check to indicate that organization implemented a process for an informal internal review of inspection decisions made by the department's inspectors. Refer to S.L. 2017-130, Section 4(a) (counties) or 4(b) (cities) for further details about this requirement.

Check to indicate that this process established a procedure whereby the inspector's supervisor conducts an initial review of inspectors' decisions. Refer to S.L. 2017-130, Section 4(a) (counties) or 4(b) (cities) for further details about this requirement.

Check to indicate that this process included written procedures for the inspections department to follow when a permit holder or applicant requests an internal review of an inspector's decision. Refer to S.L. 2017-130, Section 4(a) (counties) or 4(b) (cities) for further details about this requirement.

Check to indicate that this organization includes in or with each permit issued by the department (i) the name, phone number, and email address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process. Refer to S.L. 2017-130, Section 4(a) (counties) or 4(b) (cities) for further details about this requirement.

State the number of times this organization conducted an informal internal review process in the previous calendar year: **[number of times]**

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