



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

<b>1. Rule-Making Agency:</b> NC Building Code Council
<b>2. Rule citation &amp; name:</b> 2012 NC Residential Code Section R602.10, Wall Bracing
<b>3. Action:</b> <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
<b>4. Was this an Emergency Rule:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Effective date:</b>
<b>5. Provide dates for the following actions as applicable:</b> a. Proposed Temporary Rule submitted to OAH: July 25, 2012 (also submitted 7/11/2012 for NC Register Issue 27:03) b. Proposed Temporary Rule published on the OAH website: August 1, 2012 (published in NC Register August 1, 2012) c. Public Hearing date: August 28, 2012 d. Comment Period: August 10 - 31, 2012 e. Notice pursuant to G.S. 150B-21.1(a3)(2): Notice provided via e-mail list July 25, 2012. f. Adoption by agency on: September 10, 2012 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: October 1, 2012 h. Rule approved by RRC as a permanent rule:
<b>6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.</b> <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:
<b>Explain:</b> To address a serious and unforeseen threat to the public welfare. (See Item 7 reasons also.)
This proposal provides a simple alternative method for constructing adequate wall bracing to reduce plan review time and to minimize the need for design by registered design professionals. This rule is anticipated to provide equivalent compliance with decreased design cost, increased material cost and permit/construction/inspection time savings (no net decrease/increase in cost). Public hearing testimony indicated that the current rule delays permit issuance as much as 30-days.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The proposed effective date for this rule is October 1, 2012. The permanent rule will follow in approximately 8-months with numerous building permits issued in the interim. Delayed adoption of this rule may result in permitting and construction delays in a recovering economy.

Following the Temporary rule hearing, the BCC will likely schedule the Permanent rule hearing for its December 2012 meeting. Adoption will likely take place in March 2013 with RRC approval to follow in May 2013.

**Why is it serious?**

Time loss equals money loss. Work crews may remain idle for longer periods during the 8-months until Permanent Rule adoption. There were 24,863 single-family housing unit starts in 2011 (2100 permits/month). This rule affects primarily the 71-counties in the 90-and 100-mph wind zones (1500 permits/month).

**Why is it unforeseen?**

The BCC Residential Ad Hoc Committee reviewed and recommended adoption of the 2009 IRC Wall Bracing requirements for the 2012 NC Residential Code recognizing that it was reformatted and provided more options for the designer. It was not obvious at the time of adoption that these options would require more design and permitting time at the front end of the construction process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes  
Agency submitted request for consultation on:  
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Barry Gupton

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10. Signature of Agency Head\*:

\* 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: Dan Tingen

Title: Chair, NC Building Code Council

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

**R602.10 Wall bracing.** Buildings shall be braced in accordance with this section. Where a building, or portion thereof, does not comply with one or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with Section R301.1.

**Exceptions:**

1. Detached one- and two-family *dwelling*s located in Seismic Design Category C are exempt from the seismic bracing requirements of this section. Wind speed provisions for bracing shall be applicable to detached one- and two-family *dwelling*s.

2. In lieu of the wall bracing requirements of Section 602.10, all stories shall be sheathed with wood structural sheathing panels. Blocking shall be installed if less than 50 percent of the wall length is sheathed. Where blocking is required, all panels shall be fastened at 3 inches (76 mm) on center along the edges and 6 inches (152 mm) on center at intermediate framing. If a wall is sheathed less than 25 percent of its length, then that wall shall be designed in accordance with **accepted** engineering practice. Portal openings designed and constructed in accordance with any of the following shall be acceptable:

a. Method CS-PF in accordance with Section R602.10.4.1.1, Figure R602.10.4.1.1 and the minimum panel widths in Table R602.10.4.2.

b. Method CS-G in accordance with Table R602.10.4.1 using the nailing pattern above and the minimum panel widths in Table R602.10.4.2.

c. Accepted Engineering Practice.

The effective date of this Temporary Rule is October 1, 2012.

The Statutory authority for Rule-making is G. S. 143-136; 143-138.