

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 602
Commerce and Insurance Committee Substitute Adopted 4/15/25

Short Title: H'cane Helene Bldg Code Window Exemption.

(Public)

Sponsors:

Referred to:

March 26, 2025

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE A TEMPORARY EXEMPTION FROM CERTAIN STATE
BUILDING CODE REQUIREMENTS PERTAINING TO FIRE-RESISTANT WINDOWS
FOR DOWNTOWN, COMMERCIAL STRUCTURES DAMAGED BY HURRICANE
HELENE.

The General Assembly of North Carolina enacts:

SECTION 1. For purposes of this act, the following definitions apply:

- (1) Eligible building. – A commercial building or structure that meets all of the following:
 - a. The building or structure is located in a Helene-affected county, as defined by this section, that existed prior to September 27, 2024, and was directly damaged or destroyed by Hurricane Helene.
 - b. The building or structure must be solely classified as a commercial occupancy under the North Carolina State Building Code and not classified under any residential or mixed-use occupancy group in the North Carolina State Building Code.
 - c. The building or structure must be located within the central business district or downtown commercial district, as of September 27, 2024, of a city, as defined by G.S. 160A-1.
 - d. The building or structure must be undergoing reconstruction, rebuilding, rehabilitation, or repair solely for the purpose of restoring the building to substantially its previous condition, use, occupancy, and size, without expanding its original footprint, height, or changing its occupancy classification under the North Carolina State Building Code.
- (2) Fire-resistant window requirements. – Any provision of the North Carolina State Building Code, including the Building Code and the Residential Code, requiring the installation of fire-resistant or fire-rated windows, window glazing, or other fire-rated opening protections for exterior or interior wall openings when constructing, altering, or repairing a building. This includes window requirements for fire protection based on building use, occupancy, proximity to property lines, fire separation distance, interior fire barriers, corridors, partitions, or location in fire-prone areas.
- (3) Helene-affected county. – Any county in North Carolina declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene.



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1 **SECTION 2.(a)** Window Exemption for Eligible Buildings. – Notwithstanding any
2 provision of the North Carolina State Building Code, G.S. 143-138, or any other law to the
3 contrary, the owner of an eligible building may elect to reconstruct or repair the building with
4 window assemblies having the same fire-protection rating that existed in the building as of
5 September 27, 2024, without being required to upgrade to the current fire-resistant window
6 assemblies required by the North Carolina State Building Code. This exemption applies solely
7 to the North Carolina State Building Code provisions mandating a higher or upgraded
8 fire-protection rating or fire-resistant glazing for window openings. This exemption is available
9 only when the work on the eligible building is solely to restore damage caused by Hurricane
10 Helene and does not include additions or changes that would otherwise trigger the higher
11 fire-resistant window requirements.

12 **SECTION 2.(b)** Limitation on Exemption. – If the exemption provided by this act
13 is elected for an eligible building, all other applicable provisions of the North Carolina State
14 Building Code shall remain in full force and effect. The exemption provided by this section does
15 not relieve the building from compliance with other fire safety or North Carolina State Building
16 Code requirements.

17 **SECTION 2.(c)** Required Affidavit. – A building owner electing to utilize the
18 exemption provided by this section shall submit a written affidavit to the local building
19 inspections department with the building permit application and prior to the installation of any
20 windows. The affidavit shall be signed by the owner and notarized to constitute a legally binding
21 statement. The local building inspections department shall retain the affidavit with the building
22 permit records and note the exemption on the certificate of occupancy. The affidavit shall include
23 all of the following:

- 24 (1) A citation to this act and confirmation that the building qualifies as an eligible
25 building under subdivision (1) of Section 1 of this act.
- 26 (2) A statement that the owner voluntarily assumes any risks associated with not
27 installing fire-resistant window assemblies.
- 28 (3) Identification of the specific window installations for which the exemption is
29 claimed.

30 **SECTION 2.(d)** Expiration of Exemption. – To utilize the exemption provided by
31 this section, an owner shall claim the exemption with submission of their building permit
32 application within two years of the effective date of this act. Buildings with windows installed
33 under the exemption may continue to use those windows following the expiration of the two-year
34 period specified by this section; however, any subsequent renovations or additions shall comply
35 with the State Building Code as then in effect.

36 **SECTION 2.(e)** Liability Protection. – No state or local government, building code
37 official, inspector, or department shall be liable for any damages arising directly or indirectly
38 from a building owner's use of the exemption provided by this section.

39 **SECTION 2.(f)** Rulemaking. – The Office of the State Fire Marshal and the North
40 Carolina Building Code Council may adopt rules to implement the provisions of this act. The
41 Office of the State Fire Marshal shall produce a standard form to provide to local code
42 enforcement officials that may be provided to building owners upon request for purposes of the
43 affidavit requirements of subsection (c) of this section.

44 **SECTION 3.** This act is effective when it becomes law and applies to eligible
45 buildings for which a Certificate of Occupancy is issued on or after that date.