OSFM
NC DEPT OF INSURANCE
STATE FIRE MARSHAL

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FOR IMMEDIATE RELEASE: NC Office of State Fire Marshal Statement Regarding Temporary Housing Emergency Rule

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Raleigh, NC - State Fire Marshal Brian Taylor is proud to announce that the North Carolina Building Code Council (NCBCC) has adopted an emergency rule developed by the OSFM Engineering Division to streamline the construction process for temporary housing for North Carolinians displaced by Hurricane Helene. The emergency temporary housing rule – which is enclosed with this press release – was subsequently approved by the Codifier of Rules of the North Carolina Office of Administrative Hearings and entered into the North Carolina Administrative Code with an effective date of December 10, 2024.

As the Winter deepens and temperatures drop – and as FEMA lags behind its prior projection for installation of temporary housing units – many North Carolinians in the counties devastated by Hurricane Helene are without safe and warm shelter. Many of our fellow citizens, churches, and charitable organizations have come forward to provide temporary housing to these North Carolinians but strict adherence to the North Carolina State Building Code and permitting requirements required by the North Carolina General Statutes prevents or significantly delays implementation. Compounding this problem, local inspection departments are stretched thin with their many essential duties helping their counties recover from the devastating storm, making inspecting the wide variety of temporary housing available in their counties – some of which is substandard and poses real danger to their occupants – an impossible task.

OSFM took prompt action to address this dire situation – our engineers developed a list of minimum safety requirements for temporary housing that provides private citizens and charitable organizations with clear and uniform directives to construct temporary housing that will safely shelter our fellow citizens. These minimum requirements address every aspect of constructing safe temporary housing units – from the foundations to the roof sheathing and from the allowed heating appliances to the required life safety measures like carbon monoxide and smoke alarms.

Equipped with these minimum requirements, property owners may now execute an affidavit affirming that the temporary housing structures on their property comply with the emergency rule, exempting the temporary housing structures from permit and inspection requirements, and releasing the State and local government from liability for the occupancy and use of the temporary structures. The affidavit process created by this emergency rule now empowers property owners

to construct temporary shelters for themselves and their neighbors without having to comply with strict adherence to the North Carolina State Building Code and wait for overburdened local inspection departments to issue permits.

The Office of State Fire Marshal (OSFM) reaffirms its commitment to supporting local governments in their efforts to provide safe and warm shelter for North Carolinians this winter. By actively seeking feedback from citizens, local governments, and stakeholders, OSFM is dedicated to addressing the challenges faced by our most vulnerable residents. Through collaboration and innovation, we remain focused on delivering effective solutions to meet these critical needs.

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OWNER AFFIDAVIT FOR TEMPORARY HOUSING BUILDINGS PROVIDED TO THOSE IN NEED FOR USE AS A TEMPORARY SHELTER DURING THE RECOVERY FROM HURRICANE HELENE.

*This affidavit is only applicable to the 25 counties in North Carolina that were declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) on September 28, 2024. The affiant **must** submit this affidavit to the local inspection department within a reasonable time following notarization. This affidavit is authorized by the emergency rule adopted by the North Carolina Building Code Council on December 10, 2024 (11 NCAC 08 .0211) and is valid until the expiration of that rule.*

STATE OF NORTH CAROLINA

COUNTY, CITY OR TOWN OF _____

_____ Inspection Department

I, _____,
(Print Full Name)

the record owner of the real property identified below, do hereby, under penalty of perjury certify that the proposed temporary housing buildings are constructed and installed per the requirements of 11 NCAC 08 .0211 (the emergency rule attached to this affidavit).

I understand that this AFFIDAVIT shall exempt the Temporary Housing Buildings identified above from permit and inspection requirements in accordance with 11 NCAC 08 .0211.

Additionally, the undersigned affiant hereby waives and releases the State, local inspection department identified above, and Local Government of any responsibility or liability regarding the fabrication, installation, and use of the temporary housing buildings for use as a temporary shelter during the recovery of Hurricane Helene.

I FURTHER AFFIRM EITHER THAT:

☐ the Temporary Housing Buildings for use as temporary shelters identified above **DO NOT** contain any electrical systems requiring the supply of electric current.

☐ the Temporary Housing Buildings for use as temporary shelters identified above **DO** contain electrical systems requiring the supply of electric current, and that a licensed electrical contractor has certified that the electrical systems were installed pursuant to the applicable North Carolina Electrical Code (NFPA 70 with North Carolina Amendments), as identified in this affidavit and 11 NCAC 08 .0211. **I SHALL REQUEST INSPECTION OF THESE ELECTRICAL SYSTEMS PRIOR TO ENERGIZING SAID TEMPORARY HOUSING BUILDINGS**.

Address of Real Property Where Temporary Housing Buildings for use as a temporary shelter during the recovery from Hurricane Helene are to be Constructed : _____

_____

Parcel ID or Latitude/Longitude: _____

Number of Temporary Housing Buildings To Be Constructed: _____

_____

(Signature of Affiant) _____ Date

Sworn to (or affirmed) and Subscribed before me this the _____ day of _____, 20___

_____

Signature of Notary Public

_____

Printed Name of Notary Public

My Commission Expires: _____ (Notary Stamp or Seal)

_____

11 NCAC 08 .0211 is adopted under emergency procedures as follows:

11 NCAC 08 .0211 TEMPORARY HOUSING BUILDINGS DURING HURRICANE HELENE STATE OF EMERGENCY

(a) Temporary housing buildings provided to those in need for use as a temporary shelter during the recovery from Hurricane Helene that do not contain electrical systems requiring the supply of electric current are exempt from permits and inspections from the local inspection department having jurisdiction for the duration of the state of emergency declared by the Governor, pursuant to G.S. 166A-19.20, on September 25, 2024 in Executive Order No. 315 and extended by the General Assembly in S.L. 2024-151 (the "State of Emergency"). Temporary housing buildings provided to those in need for use as a temporary housing shelter during the recovery from Hurricane Helene that contain electrical systems requiring the supply of electric current shall be inspected and approved by the appropriate electrical inspector prior to being energized, and upon said inspection and approval are exempt from all other permits and inspections from the local inspection department having jurisdiction for the duration of the State of Emergency. The owner of the real property upon which temporary housing buildings for use as temporary shelter during the recovery from Hurricane Helene are to be constructed (the "Owner") shall sign an affidavit attesting that the temporary housing buildings shall be constructed per the requirements provided in this rule. The affidavit shall be provided to the local inspection department within a reasonable time of its notarization. The affidavit limits the occupancy and use of temporary housing buildings to use as a temporary shelter for 180 days from the first day of occupancy. The Owner assumes all liability associated with the construction and use of the temporary housing buildings as a means of temporary shelter. Once the temporary shelter period of 180 days has expired, the temporary housing building shall cease use as a temporary shelter and any reuse of the building is subject to permits and inspections by the local inspection department having jurisdiction and the requirements of the North Carolina State Building Code, unless the proposed new use is currently exempted by law or the North Carolina State Building Code. An affidavit for a temporary housing building may be renewed by the Owner at the discretion of the local inspection department by the completion and submission by the Owner of a new affidavit to the local inspection department, provided that the State of Emergency and this rule remain in effect on the date such renewal is sought.

(b) If an Owner provides the Owner affidavit described in Paragraph (a) to the local inspection department, then the temporary housing buildings shall be constructed in accordance with the following minimum requirements:

(1) The location of temporary housing buildings shall comply with local zoning laws.

(2) Temporary housing buildings are limited to one-story above grade plane and a maximum of 400 square feet with a pitched roof.

(3) Temporary housing buildings shall be located to avoid areas prone to flooding, landslides, steep slopes, or other natural hazards.

(4) Essential services, such as water and sanitation, shall be provided on the Owner's property.

(5) Not less than 10 feet minimum fire separation distance shall be provided between temporary housing buildings and property lines.

(6) If partition walls are provided within the temporary housing building, a minimum of one window on an exterior wall in each space that is used as a sleeping room is required to be used as an

emergency escape and rescue opening and shall have a minimum openable area of 4 square feet. The minimum net clear opening height shall be 22 inches. The minimum net opening width shall be 20 inches. The sill height shall be not more than 44 inches above the floor. If the temporary housing building is an open floor plan, the egress door can serve as the emergency escape and rescue opening.

(7) Natural ventilation shall be provided by a minimum of one openable window and one egress door. If emergency escape and rescue openings are required, they can also be used to satisfy the natural ventilation requirements.

(8) Heating facilities capable of maintaining a room temperature of not less than 68º F shall be provided within temporary housing buildings based on the local winter 99% design day outdoor air temperature.

(9) Minimum ceiling height of not less than 6'-8" shall be provided in temporary housing buildings.

(10) A minimum of one side-hinged egress door shall be provided at a clear width of not less than 32 inches and a clear height of not less than 78 inches in temporary housing buildings with a landing or stairs provided outdoors at the same clear width of the door and extending 36 inches in the direction of travel.

(11) One battery-powered smoke alarm and one carbon monoxide alarm or one combination smoke and carbon monoxide alarm shall be provided and installed in each room per the manufacturer's installation instructions in temporary housing buildings.

(12) A site address and the number of temporary housing units located at the site address shall be provided to the fire code official to facilitate an emergency response.

(13) Foundations: The owner shall make sure a stable soil condition and foundation is provided for temporary housing buildings to prevent shifting or collapse. Positive anchorage for the structure shall be provided. Temporary housing buildings shall be permitted to be supported on a wood foundation of minimum 4-inch by 4-inch or 6-inch by 6-inch mudsill or runner of approved wood in accordance with Section R317 of the 2018 North Carolina Residential Code ("NCRC"). Structural floor systems that include joists and subfloor material shall also comply with Section R317.1, Item 1 of the 2018 NCRC.

(14) Allowable joist spans: Spans for floor joists of temporary housing buildings shall be in accordance with the following table. For other grades and species and for other loading conditions, refer to the 2018 NCRC.

	Maximum Floor Joist Span (ft- in)		
Joists Spacing	2 X 6	2 X 8	2 X 10
12	8-2	10-3	12-6
16	7-1	8-11	10-10
24	5-9	7-3	8-10

(15) Lateral restraint at supports: Floor joists of temporary housing buildings shall be supported laterally at the ends by full-depth solid blocking not less than 2 inches nominal in thickness; or by attachment to a full depth header, band or rim joist, or to an adjoining stud or shall be otherwise provided with lateral support to prevent rotation.

(16) Subfloor: Floor framing of temporary housing buildings shall be sheathed with minimum ¾-inch thick wood structural sheathing and 8d common nails spaced at not more than 6 inches on center at all support edges and 12 inches on center at other intermediate supports.

(17) Wall Framing: Bearing walls of temporary housing buildings shall be framed with minimum stud size of 2 X 4 at maximum 24 inches on center spacing and limited to a stud height of 10 feet.

(18) Header Spans on exterior bearing walls of temporary housing buildings shall be in accordance with the following table:

Header Span (ft-in)*,**	
Size	Span
1-2 X 8	4-6
1-2 X 10	5-8
2 - 2 X 4	3-6
2 - 2 X 6	5-5
2 - 2 X 8	6-10

* Minimum one jack stud on each end of the header

**Up to 20 feet building width and 30 psf ground snow load)

(19) Top plate: Wood stud walls in temporary housing buildings shall be capped with a double top plate installed to provide overlapping at corners.

(20) Bottom (sole) plate: Studs in temporary housing buildings shall have full bearing on a nominal 2-by or larger plate or sill having a width not less than the width of the studs.

(21) Wall Sheathing: Exterior walls of temporary housing buildings shall be continuously sheathed with minimum 3/8-inch thick wood structural panels.

(22) Interior sheathing: The interior side of exterior walls in temporary housing buildings are permitted to remain open.

(23) Braced Wall: All exterior walls in temporary housing buildings shall be braced with minimum 24-inch wood structural panels at each corner in both directions of the structure.

(24) Roof framing details: Rafters in temporary housing buildings shall be framed to ridge board or to each other with a gusset plate as a tie. Ridge board shall be not less than 1-inch nominal thickness and not less in depth than the cut end of the rafter.

(25) Ceiling joist and rafter connections: Ceiling joists and rafters for temporary housing buildings shall be nailed to each other in accordance with the following table:

Rafter slope*	Rafter Spacing*	Number of 16d common nails required*

3:12	16	8
	24	11
5:12	16	5
	24	7
7:12	16	4
	24	5

*Up to 20 feett building width and 30 psf ground snow load

(26) Rafters: Rafters in temporary housing buildings shall be toe-nailed to the top wall plate with three 8d common nails.

(27) Allowable ceiling joist spans: Spans for ceiling joists in temporary housing buildings shall be in accordance with the following table. For other wood grades and species and for other loading conditions, refer to the 2018 NCRC.

	Maximum Ceiling Jost Span (ft- in)		
Joists Spacing	2 X 4	2 X 6	2 X 8
12	10-1	14-11	18-9
16	8-9	12-11	16-3
24	7-8	10-6	13-3

(28) Allowable ceiling joist spans: Spans for rafters for temporary housing buildings shall be in accordance with the following table. For other wood grades and species and for other loading conditions, refer to the 2018 NCRC.

	Maximum Rafter Span (ft- in)		
Joists Spacing	2 X 4	2 X 6	2 X 8
12	6-7	9-9	12-4
16	5-9	8-6	10-8
24	4-8	6-11	8-9

(29) Roof Sheathing: The roof of temporary housing buildings shall be continuously sheathed with a minimum 7/16-inch thick wood structural panels.

(30) Building thermal envelope insulation is not required for temporary housing buildings, but insulation is recommended to provide a greater level of temperature control and a lower risk of thermal overload of the electrical system.

(31) Heating appliances shall be listed and labeled and shall be installed per the manufacturer's installation instructions within temporary housing buildings. Clearances to combustible materials in accordance with the heating appliance manufacturer's instructions shall be maintained within temporary housing buildings. Fuel-burning heaters shall be of the direct-vent type in temporary

housing buildings. Unvented room heaters and portable space heaters are prohibited in temporary housing buildings. Heaters shall be rated at continuous duty, as well as the circuit and overcurrent protection serving any electric heating appliance.

(32) If the temporary housing building incorporates an electrical system, Owner shall request that the system be inspected by the appropriate electrical inspector prior to being energized and that a licensed electrical contractor has certified that the electrical systems were installed pursuant to this rule and the applicable North Carolina Electrical Code.

(33) Temporary housing buildings shall be considered "detached accessory buildings" for applying the requirements of the North Carolina Electrical Code (NFPA 70 with North Carolina Amendments) for wiring, lighting and receptacles. Exposed cable assemblies within stud cavities, including NM Cable, shall be protected in an approved manner and shall not be required to be covered behind wall finishings within temporary housing buildings.

(34) Annular spaces around pipes, cables, conduits, or other openings in the walls shall be sealed closed in temporary housing buildings.

(c) The provisions of this rule only apply to temporary housing buildings located in the 25 counties in North Carolina that were declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) on September 28, 2024: Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, and Yancey County and the Eastern Band of Cherokee Indians.

History Note: *Authority G.S.143-138;*
Emergency Adoption Eff. December 10, 2024.