

NC Board of Architecture Policy Statement on NCGS 83A-13

The Board shall interpret the following exemptions of G.S. 83A-13 as set forth in this Policy Statement. The Board may seek court action pursuant to G.S. 83A-17 to enjoin individuals who violate these interpretations.

- (A) Family Residence Exemption, as set forth in G.S. 83A-13(c)(1). “Grade level exit” means an exit that provides ingress and egress on a at grade. To be exempt, each unit in the building must enter and exit on grade level. The Board shall not interpret a project, subdivision, or other similarly described groupings of multiple units of eight units attached with a grade level exit to be exempt from G.S. 83A-13 (c)(1).
- (B) A building upon any farm for the use of any farmer for the activity or business of growing crops or livestock shall be exempt. The Board shall not interpret a building or structure upon a farm that is open to or used by the public for assembly or other purposes to be exempt if it substantially impacts the health, safety and welfare of the public.
- (C) Ninety Thousand Dollar Exemption, as used in G.S. 83A-13(c)(3), means that the ninety thousand-dollar (\$90,000) value is the owner’s probable completed construction cost for a new structure or building and does not include the land value. A “new structure or building” refers to site preparation for and construction of, an entirely new structure or building that was not previously issued a certificate of occupancy, occupied or in existence.
- (D) 2,500 square foot Gross Floor Area Exemption, as used in G.S. 83A-13(c)(4), means the total gross floor area for a new structure or building, both heated and unheated, within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of interior walls, columns, or other features, exclusive of areas open and unobstructed to the sky. Open eaves, overhangs, canopies, awnings, or similar open elements are not included.
- (E) In order to qualify for an exemption of alteration, remodeling, and renovation of a structure or building, as set forth in G.S. 83A-13(c)(5) a certificate of occupancy for the building must have been issued. “Structural system” as used in G.S. 83A-13(c)(5), means the essential elements that form the support system of the building and includes but is not limited to, the fire protection and fire suppression systems of the building. “Affect”, as used in G.S. 83A-13(c)(5), means an imposition of live loads, dead loads or seismic mass that was not contemplated in the original design of the structural system.
- (F) “Shop drawings” as used in G.S. 83A-13(c)(6), means those drawings prepared in-house by subcontractors and other specialists under the nonsupervisory control of the architect.
- (G) In order to qualify for exemption under G.S. 83A-13(c1), the project must be a new commercial structure or building project and not part of an alteration, renovation or remodel of an existing building having already received a certificate of occupancy.
- (H) The exemption for preparing one’s own plans or data, as set forth in G.S. 83A-13(d), does not exempt the preparation of specifications required by the local authority having jurisdiction’s

requirement to obtain a building permit in the construction of a building not exempt under G.S. 83A-13(c). "Specifications" means a description of the quality, size and strengths of the materials being used in a building. Design plans prepared by an individual for himself/herself may be exempt, in accordance with G.S. 83A-13 (d) from the requirement of an architectural seal subject to the following conditions:

- (1) The individual claiming the exemption is a record owner of the land upon which the building is to be constructed.
- (2) The individual must personally prepare the plan. This individual cannot claim authorship of plans prepared for him by another person.
- (3) The individual must sign the plans and legibly print his/her name and current address on the plans.
- (4) The individual must maintain a possessional interest in the premises after construction. "Possessional interest" may be actual occupancy of the building by the owner or the possessional interest of a landlord; however, it is not considered a building for oneself if an individual intends to build under this exemption for the purpose of immediately transferring legal title of the building to another.
- (5) The "plans for oneself" exemption does not exempt the preparation of specifications required to obtain a building permit in the construction of a building not exempt under G.S. 83A-13(c). "Specifications" means a description of the quality, size and strengths of the materials being used in a building." Thus, the preparation of specifications required to obtain a building permit for the construction of a commercial building which exceeds \$90,000 (excluding the value of the land) or exceeds 2,500 square feet of gross floor area is not exempt under the "plans for oneself" exemption.
- (6) The "plans for oneself" exemption is only available for individuals. Thus, for example, a corporation cannot use this exemption. [N.C. General Statutes define "individual" as "a natural person," whereas a "person" includes a corporation. This difference was pointed out in NCBOA v. Lee, 264 N.C. 602; 142 S.E.2d 643 (1965).]

(I) An architect who prepares a design for an exempt project must seal and date that design in compliance with G.S. 83A-10 and 21 NCAC 02 .0206 even though the project may otherwise be classified as exempt under G. S. 83A-13.

Approved on May 12, 2019 by the Board of Architecture.