

North Carolina Board of Architecture & Registered Interior Designers
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The purpose of this guidance is to help the regulated public comply with the Board's laws and rules. Please be advised that the guidance below is subject to change. If you disagree with the guidance, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C. General Statutes. Moreover, an occupational licensing board does not have the authority to order an unlicensed person or entity to discontinue its practices. Only a court may determine whether an unlicensed person or entity has violated or is violating any law and, if appropriate, impose a remedy or penalty for the violation.

Plans for Oneself Exemption Checklist

Position Statement and Guidance on NCGS 83A-13(d)

§ 83A-13. Exemptions.

(d) Nothing in this Chapter shall be construed to prevent any individual from making plans or data for buildings for himself.

The Board has clarified that design plans prepared by an individual for himself/herself may be exempt in accordance with the law 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.” [Quoting from Rule .0211(b)]. 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).]

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