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NOTES &  
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DECLINING THE WAKE-UP CALL: HOW THE HOME BUILDERS ASSOCIATION AND OUTDATED BUILDING CODES LEAVE NORTH CAROLINA VULNERABLE TO DISASTER

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## INTRODUCTION

“We cannot prevent hurricanes or earthquakes, floods or volcanic eruptions. But we can ensure that both people and communities are better prepared and more resilient.”<sup>1</sup>

In North Carolina, beyond the scope of the public eye, a serious problem lies in wait. The Tar Heel State is operating on a system of outdated building codes and stagnation, perpetuated by regressive legislation such as HB 488.<sup>2</sup> The North Carolina Home Builders Association has dominated residential building codes and opened a door for legislative vulnerability that positions the state poorly for future disaster recovery.<sup>3</sup> The passage of HB 488 in 2023, coupled with the failure to update the North Carolina Building Code since 2019, has frozen the state in a dangerous position for the benefit of a profit-driven Home Builders Association.<sup>4</sup> North Carolina’s legislative vulnerability to major storms, coupled with the uptick of natural disasters, creates, ironically, the perfect storm for more devastation.<sup>5</sup>

On September 27, 2024, Hurricane Helene made its way across the southern Appalachian Mountains, ravaging Western North Carolina and taking hundreds of lives and homes with it.<sup>6</sup> With wind speeds up to 105 m.p.h.<sup>7</sup> and up to 30.78 inches of rain coating the great Appalachian Mountains, Hurricane Helene was “the deadliest hurricane in the contiguous U.S. since Katrina” and the most devastating natural disaster that

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<sup>1</sup> U.N. President of the G.A., Remarks at Un-Caricom High-Level Pledging Conference on Building a More Climate-Resilient Community (Nov. 21, 2017), <https://www.un.org/pga/72/2017/11/21/un-caricom-high-level-pledging-conference/>.

<sup>2</sup> See H.B. 488, 2023 Gen. Assemb. (N.C. 2023).

<sup>3</sup> See Christopher Flavelle, *How the North Carolina Legislature Left Homes Vulnerable to Helene*, N.Y. TIMES (Oct. 3, 2024), <https://www.nytimes.com/2024/10/03/climate/north-carolina-homes-helene-building-codes.html>.

<sup>4</sup> H.B. 488, 2023 Gen. Assemb. (N.C. 2023). See *HB 488 Poised to Raise Homeowners Insurance, Risk Public Safety*, CEDAR MGMT. GRP., <https://www.cedarmanagementgroup.com/hb-488/> (last visited Dec. 3, 2025).

<sup>5</sup> See Matthew Sasser, ‘1,000-Year Events’ Keep Happening: How can North Carolina Better Prepare?, NC INSIDER (Nov. 9, 2024), <https://pro.stateaffairs.com/nc/politics/helene-flooding-damage-recovery>.

<sup>6</sup> *Hurricane Helene: Record-Breaking Rainfall and Historic Flooding*, NAT’L WEATHER SERV., [https://www.weather.gov/mrx/Hurricane\\_Helene](https://www.weather.gov/mrx/Hurricane_Helene) (last visited Dec. 5, 2025); Sasser, *supra* note 5.

<sup>7</sup> Melinda Crow, *Knots to MPH: How Fast is a Knot, How Fast is a Cruise Ship and More*, CRUISE CRITIC (Jan. 24, 2023), <https://www.cruise critic.com/articles/knots-to-mph-how-fast-is-a-knot-and-more-questions> (providing conversion rate for wind speed from knots (kts) to mph. Kts x 1.15 = mph).

Western North Carolina has ever seen.<sup>8</sup> North Carolina was left with a death toll in the triple digits and over \$53 billion in expected damage.<sup>9</sup> And here in North Carolina, nine months after tragedy struck, communities were still struggling to find food.<sup>10</sup> “A lot of people think it’s over. It’s not.”<sup>11</sup>

Such a tragic event invites attention to what the State can do to better prepare for future disasters of this magnitude.<sup>12</sup> This consideration of the preparation needed is of great importance, knowing that while Helene may have been a wake-up call for North Carolina, it may not be the last.<sup>13</sup> Reide Corbett, Dean of Integrated Coastal Programs at East Carolina University, expressed concerns that Helene’s tragedy is likely to repeat.<sup>14</sup> Now more than ever, it is time to analyze what path North Carolina is on in terms of disaster preparedness and recovery, as the reality is that “these sorts of storms are becoming more and more of a precedent.”<sup>15</sup> What many thought they knew about these storms in North Carolina, and their frequency, is proving not to be true.<sup>16</sup> An event like Hurricane Helene puts states on notice that it is time to get serious about preventative action. This notice raises questions concerning funding and building codes, as well as the types of homes that are being rebuilt in Helene’s wake.<sup>17</sup>

Part I of this Note provides background on disaster preparedness throughout North Carolina, as well as Florida, for a comparison between the worst and the best in disaster preparedness programs, and on the funding schemes of the larger federal landscape as well. Part II focuses specifically on the type of legislative action keeping North Carolina stagnant, exemplified by a discussion of HB 488 and what these actions mean for North Carolina more generally. Finally, Part III analyzes the needs of this state moving forward, and how future disaster preparedness and building code legislation should be drafted to move North Carolina away from devastation and toward a stronger sense of security in the face of disaster.

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<sup>8</sup> NAT’L OCEANIC & ATMOSPHERIC ADMIN., NATIONAL HURRICANE CENTER TROPICAL CYCLONE REPORT 1, 13, 22 (Apr. 8, 2025), [https://www.nhc.noaa.gov/data/tcr/AL092024\\_Helene.pdf](https://www.nhc.noaa.gov/data/tcr/AL092024_Helene.pdf); *see also* Sasser, *supra* note 5.

<sup>9</sup> Sasser, *supra* note 5.

<sup>10</sup> *See* Greg Allen & Marisa Peñaloza, *9 Months After Hurricane Helene, Food Scarcity is Still Real in Western North Carolina*, NPR (June 14, 2025, 4:33 PM), <https://www.npr.org/2025/06/14/nx-s1-5405040/9-months-after-hurricane-helene-in-western-north-carolina-food-scarcity-is-still-real>.

<sup>11</sup> *Id.*

<sup>12</sup> Sasser, *supra* note 5 (“Helene’s economic and social ramifications on the state will slowly become clearer in the coming months and years.”).

<sup>13</sup> Sasser, *supra* note 5. (“Helene is the precedent now.”).

<sup>14</sup> Sasser, *supra* note 5.

<sup>15</sup> Sasser, *supra* note 5.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

## I. BACKGROUND

The International Code Council, established in 1994, partners with states, including North Carolina, for the adoption of various international codes.<sup>18</sup> This partnership aims to streamline and simplify code implementation across the country.<sup>19</sup> The International Code Council is a nonprofit organization that promulgates model building codes created by “engineers, architects, home builders, and local officials.”<sup>20</sup> The Code Council publishes an International Building Code, which states may choose to adopt and modify in accordance with jurisdictional variety.<sup>21</sup> All fifty states, the District of Columbia, Guam, the Northern Marianas Islands, the U.S. Virgin Islands, and Puerto Rico have adopted the International Building Code, though some jurisdictions amend it in accordance with local laws.<sup>22</sup> For example, while North Carolina does adopt the International Building Code, it removes certain provisions related to the National Flood Insurance Program.<sup>23</sup>

The International Building Code is created to address health and safety concerns while also allowing for ease of use and innovation through its easy-to-use format and frequent updates.<sup>24</sup> New, updated versions of the model code are released every three years.<sup>25</sup> The International Code Council also publishes an International Residential Code every three years, which is currently adopted by forty-nine states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.<sup>26</sup> While the International Building Code and International Residential Code share many

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<sup>18</sup> INT’L CODE COUNCIL, <https://codes.iccsafe.org> (last visited Nov. 20, 2025) [hereinafter ICC Codes Home]; *Who We Are*, INT’L CODE COUNCIL, <https://www.iccsafe.org/about/who-we-are> (last visited Nov. 20, 2025).

<sup>19</sup> See ICC Codes Home, *supra* note 18.

<sup>20</sup> Flavelle, *supra* note 3.

<sup>21</sup> *Overview of the International Building Code*, INT’L CODE COUNCIL, <https://www.iccsafe.org/products-and-services/i-codes/2018-i-codes/ibc/> (last visited Dec. 6, 2025).

<sup>22</sup> *Id.*

<sup>23</sup> *2025 Building Code Adoption Tracking: FEMA Region 4*, U.S. DEP’T. OF HOMELAND SEC. (June 2025), [https://www.fema.gov/sites/default/files/documents/fema\\_fy25-bcat-region-4-report.pdf](https://www.fema.gov/sites/default/files/documents/fema_fy25-bcat-region-4-report.pdf) (In North Carolina, “the (outdated) 2015 IBC, remains in effect. State weakens hurricane resistance by reducing area of Wind-Borne Debris Region in Chapter 2, and by allowing prescriptive opening protection to apply beyond the model code limitations in Sec. 1609.1.2. Note that state also removes many Chapter 1 administrative provisions, including NFIP-related Flood Hazard Area provisions such as: criteria for issuing a variance (Sec. 104.10.1) and inspection/documentation of lowest floor elevation (Secs. 107.2.5, 107.5, 110.3.3, 110.10.1).”).

<sup>24</sup> INT’L CODE COUNCIL, *supra* note 21.

<sup>25</sup> *Id.*

<sup>26</sup> *The International Residential Code*, INT’L CODE COUNCIL, <https://www.iccsafe.org/products-and-services/i-codes/2018-i-codes/irc/> (last visited Dec. 6, 2025).

common provisions and purposes, the International Residential Code focuses on “one and two family homes and town houses up to three stories in height[,]” while the International Building Code applies more generally to any building regardless of its size or purpose.<sup>27</sup> Both of these codes serve to set standards to protect individuals from dangerous conditions, including setting the “level[s] of wind, rain, hail or other hazards that buildings should withstand.”<sup>28</sup> The codes are updated to reflect new information on disasters and human behavior, as well as advancements in science and technology.<sup>29</sup> The adoption of hazard-resistant building codes, such as those promulgated by the International Code Council, helps to reduce the cost of damages in the wake of natural disasters, as well as preventing loss of life.<sup>30</sup>

In prior years, the Federal Emergency Management Agency (“FEMA”)<sup>31</sup> has tracked building code adoption throughout the United States, noting that “disaster resilience starts with building codes because they enhance public safety and property protection.”<sup>32</sup> While the current building code adoption tracking portal<sup>33</sup> did not become active until 2021, FEMA has been actively involved with the model building codes since the early 1980’s.<sup>34</sup> For purposes of hazard resistance, the relevant hazards are “damaging wind, hurricane, wind, tornado, seismic, and flood[.]”<sup>35</sup> FEMA considers a resistant jurisdiction<sup>36</sup> to be one where “the 2018 or later

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<sup>27</sup> Brian Hansen, *IBC vs IRC*, TEAM ENG’G (Aug. 27, 2020), <https://myteamengineering.com/ibc-vs-irc/>.

<sup>28</sup> *Understanding Building Codes*, NAT’L INST. OF STANDARDS & TECH. (June 21, 2022), <https://www.nist.gov/buildings-construction/understanding-building-codes>.

<sup>29</sup> *See id.*

<sup>30</sup> *See* FEMA, PROTECTING COMMUNITIES AND SAVING MONEY (Nov. 2020), [https://www.fema.gov/sites/default/files/2020-11/fema\\_building-codes-save\\_brochure.pdf](https://www.fema.gov/sites/default/files/2020-11/fema_building-codes-save_brochure.pdf).

<sup>31</sup> The applicability and availability of future FEMA funding has been called into question under the current presidential administration. *See infra* Section I.C.

<sup>32</sup> U.S. DEP’T. OF HOMELAND SEC., *supra* note 23.

<sup>33</sup> *National Building Code Adoption Tracking Portal*, STANTEC, <https://stantec.maps.arcgis.com/apps/MapSeries/index.html?appid=a053ac48343c4217ab4184bc8759c350> (last visited Nov. 24, 2025).

<sup>34</sup> *See* FEMA, TIMELINE OF FEMA POLICIES AND REGULATIONS RELATED TO BUILDING CODES AND STANDARDS, [https://www.fema.gov/sites/default/files/documents/fema\\_hma\\_building-codes-timeline\\_06092025.pdf](https://www.fema.gov/sites/default/files/documents/fema_hma_building-codes-timeline_06092025.pdf); *Model Building Codes Impact*, FEMA, <https://www.fema.gov/case-study/model-building-codes-impact> (Feb. 11, 2021).

<sup>35</sup> *Annual Fact Sheets: BCAT & Mutual Aid for Building Departments*, FEMA (July 29, 2024), <https://www.fema.gov/emergency-managers/risk-management/building-science/bcat/fact-sheets>.

<sup>36</sup> *Jurisdiction*, FEMA, <https://www.fema.gov/about/glossary/jurisdiction> (May 11, 2021) (defining jurisdiction as “[t]he common name for the area, with defined political boundaries, which is served by the building department. Jurisdictions are usually incorporated locations, recognized by the U.S. Census Bureau. Jurisdictions include, but are not limited to, cities, towns, townships, boroughs, villages, counties, and parishes.”).

[International Building Code] and [International Residential Code] are adopted, and the codes are not weakened for high-risk hazards in the jurisdiction[.]” with the added requirement that jurisdictions with high flood risks participate with good standing in the National Flood Insurance Program.<sup>37</sup> States are considered “higher resistance” where they have 75 percent or more resistant jurisdictions, “moderate resistance” where the resistant jurisdictions fall between 25 percent and 75 percent and “lower resistance” where they have less than 25 percent resistant jurisdictions.<sup>38</sup>

#### A. North Carolina’s Position in Preparedness

North Carolina publishes the North Carolina State Building Code, which contains the North Carolina Residential Code and Building Code, as well as other subsections such as the Fuel Gas Code and the Energy Conservation Code.<sup>39</sup> These codes are all based on the International Code Council model codes, coupled with North Carolina-specific amendments.<sup>40</sup> The 2015 model codes were adopted in North Carolina effective January 1, 2019, and have not been updated since,<sup>41</sup> meaning that North Carolina is effectively employing code standards that are ten years old. At the time of the most recent tracking evaluation, North Carolina fell in FEMA Region 4, along with Florida, South Carolina, Georgia, Kentucky, Tennessee, Mississippi, and Alabama.<sup>42</sup> In 2025, North Carolina held a rating of 0.0 percent (out of a maximum of 100 percent) on the hazard-resistance scale.<sup>43</sup> The rating was based on the fact that North Carolina’s latest code adoption was an application of the outdated 2015 International Building Code, and was further weakened by the removal of various relevant provisions of the code.<sup>44</sup> The evaluation that determined the score for North Carolina also took into consideration adoption of the International Residential Code, which was an outdated 2015 version of the Code as well.<sup>45</sup> In addition to being out of date, the state also undertook further

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<sup>37</sup> *Resistant Jurisdiction*, FEMA, <https://www.fema.gov/about/glossary/resistant-jurisdiction> (Apr. 5, 2022).

<sup>38</sup> FEMA, *supra* note 35.

<sup>39</sup> See *North Carolina*, INT’L CODE COUNCIL DIGIT. CODES, <https://codes.iccsafe.org/codes/united-states/north-carolina> (last visited Nov. 24, 2025).

<sup>40</sup> *Id.*

<sup>41</sup> *Codes - Current and Past*, OFF. OF STATE FIRE MARSHAL, <https://www.ncosfm.gov/codes/codes-current-and-past> (last visited Dec. 6, 2025).

<sup>42</sup> U.S. DEP’T. OF HOMELAND SEC., *supra* note 23.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

modifications to the International Residential Code, which weakened it in aspects of hurricane resistance relating to wind and flood provisions.<sup>46</sup>

In 2013, HB 120<sup>47</sup> was enacted, changing the Residential Building Code cycle in North Carolina to six-year update cycles.<sup>48</sup> The North Carolina Building Code Council voted the same change into place for the Building Code itself in 2014.<sup>49</sup> These decisions altered the codes from the three-year update cycles they had been functioning on previously.<sup>50</sup> The Environmental and Energy Study Institute has called six years “a full economic generation in the building industry[,]” noting that based on the speed of modern technological advancements, six-year cycle jurisdictions are left to “navigate the complexities and expense of two cycles of changes in each model code instead of one.”<sup>51</sup> The six-year update cycle is another example of North Carolina weakening the model codes, as those function on three-year adoption cycles.<sup>52</sup>

In January 2019, North Carolina adopted the 2015 International Building Code, and in 2025 this is still the code that North Carolina follows.<sup>53</sup> The 2024 North Carolina Building Code was slated to be adopted in early 2025, but the tentative adoption was pushed back.<sup>54</sup> The adoption was first pushed back to July 2025, but the Office of the State Fire Marshal has since announced that the code will be delayed until twelve months after the Fire Marshal certifies the occurrence of a series of events relating to publication and distribution of the code.<sup>55</sup> These events include publication and distribution requirements, such as making copies of the 2024

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<sup>46</sup> *Id.*

<sup>47</sup> H.B. 120, 2013 Gen. Assemb. (N.C. 2013) (“An act to require approval from the North Carolina building code council before a unit of local government may require building inspections in addition to those required by the building code; to specify the frequency and effective dates of code updates; and to exempt cable television equipment installation from building code requirements.”).

<sup>48</sup> Matthew C. Bouchard, *North Carolina Will Now Revise Its Building Code Every Six Years, Instead of Every Three*, N.C. CONSTR. L., POL’Y & NEWS (Mar. 17, 2014), <https://nc-construction-law.com/2014/03/17/north-carolina-will-now-revise-its-building-code-every-six-years-not-every-three/>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Ellen Vaughan & Jim Turner, *The Value and Impact of Building Codes*, ENV’T & ENERGY STUDY INST. (Sept. 30, 2013), <https://www.eesi.org/papers/view/the-value-and-impact-of-building-codes>.

<sup>52</sup> INT’L CODE COUNCIL, *supra* note 21.

<sup>53</sup> OFF. OF STATE FIRE MARSHAL, *supra* note 41.

<sup>54</sup> Brian Taylor, *Update Regarding the Effective Date of the 2024 North Carolina State Building Code*, OFF. OF STATE FIRE MARSHAL (Mar. 31, 2025), <https://www.ncosfm.gov/letter-re-2024-state-building-code-effective-date/open>.

<sup>55</sup> *Id.*

building code “available for purchase by members of the general public.”<sup>56</sup> That announcement means that the adoption of the updated 2024 North Carolina Building Code is essentially delayed for an undetermined amount of time as of this writing, with the Office of the State Fire Marshal stating that it cannot predict when these requirements will be met in full.<sup>57</sup> Additionally, the 2024 North Carolina Building Code, whenever it is finally adopted, is set to be modeled after the 2021 International Building Code, as opposed to the newer updated 2024 edition of the model code.<sup>58</sup> The result is that, by the time the next building code is adopted in North Carolina, which will likely be 2026 at the earliest, it will already be years behind the 2024 International Building Code (which will be effective until 2027).<sup>59</sup> In total, North Carolina currently runs on out-of-date codes, with an out-of-date adoption cycle, and frequent setbacks relating to new advancements.

### B. Florida’s Position in Preparedness

Looking to a state leading the charge when it comes to disaster preparedness provides a helpful point of comparison. While North Carolina was rated 0.0 percent on hazard resistance related to building code adoption tracking for FEMA Region 4 in 2025, Florida was rated 99 percent for higher resistance in the same report.<sup>60</sup> This higher resistance rating is based on Florida’s adoption of the 2021 International Building Code and International Residential Code.<sup>61</sup> The 2021 codes are considered hazard-resistant based on FEMA standards, and Florida’s rating indicates that these codes are applied, without weakening provisions of high-risk hazards, in at least 75 percent of the state’s jurisdictions.<sup>62</sup> The reason for Florida’s compliance and preparedness is not an anomaly. Because for Florida,

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<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Submission for Permanent Rule*, N.C. OFF. OF ADMIN. HEARINGS, <https://www.oah.nc.gov/1-2024-nc-building-code/open> (last visited Nov. 20, 2025).

<sup>59</sup> See James W. Norment & Luke C. Tompkins, *House Bill 47 Delays Effective Date for North Carolina’s New Building Code*, WARD AND SMITH P.A. (May 9, 2025), <https://www.wardandsmith.com/articles/house-bill-47-delays-effective-date-for-north-carolinas-new-building-code>.

<sup>60</sup> U.S. DEP’T. OF HOMELAND SEC., *supra* note 23.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*; FEMA, *supra* note 35.

when its wakeup call came in the form of Hurricane Andrew, the state listened.<sup>63</sup>

Hurricane Andrew ripped through Florida in August 1992, taking with it neighborhoods, communities, and lives.<sup>64</sup> A storm so devastating, many Florida natives now mark time by “‘before Andrew’ and ‘after Andrew.’”<sup>65</sup> At the time of Hurricane Andrew, Florida was operating on more than 400 different building codes throughout the state.<sup>66</sup> Following Andrew, the state standardized its codes and is now a national leader for hurricane-related building codes and enforcement.<sup>67</sup> Richard Olson, Director of the International Hurricane Research Center at Florida International University, said that “[Andrew] changed building codes and especially building code enforcement, which Andrew proved to be inadequate, incompetent, or avoidant.”<sup>68</sup> Florida faced devastation and responded to a need for better standards. Florida most recently adopted the 2021 model codes into the 2023 Florida Building Code, putting it six years ahead of North Carolina’s 2015 standards.<sup>69</sup> Florida runs on a three-year adoption cycle so its next update will be due in 2026, at which point Florida will retain its lead on updated codes over North Carolina.<sup>70</sup>

### C. Federal Disaster Response

In 1979, President Jimmy Carter created FEMA and established its mission as one of both emergency management and civil defense.<sup>71</sup> When the Department of Homeland Security was established in 2003, the department integrated and united FEMA as well as many other organizations as a part of the new Homeland Security umbrella.<sup>72</sup> In subsequent years,

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<sup>63</sup> See *30 Years Later: Hurricane Andrew Redesigns Modern Building Codes*, US GLASS (Aug. 25, 2022), <https://www.usglassmag.com/30-years-later-hurricane-andrew-redesigns-modern-building-codes/>.

<sup>64</sup> *Id.*

<sup>65</sup> Leigh Spann, *Hurricane Andrew Still Impacts Florida’s Building Codes*, NEWS CHANNEL 8 (June 3, 2022, 11:40 AM), <https://www.wfla.com/weather/tracking-the-tropics/hurricane-andrew-still-impacts-florida-building-code/>.

<sup>66</sup> US GLASS, *supra* note 63.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> See *Florida*, INT’L CODE COUNCIL, <https://codes.iccsafe.org/codes/florida> (last visited Nov. 20, 2025); U.S. DEP’T. OF HOMELAND SEC., *supra* note 23.

<sup>70</sup> See *Florida Building Code Effective Dates*, FLA. BLDG. COMM’N, [https://www.floridabuilding.org/fbc/Publications/2023\\_Effective\\_Dates.pdf](https://www.floridabuilding.org/fbc/Publications/2023_Effective_Dates.pdf) (last visited Dec. 5, 2025).

<sup>71</sup> *History of FEMA*, FEMA (Jan. 4, 2021), <https://www.fema.gov/about/history>.

<sup>72</sup> *Id.*

various reform acts have been passed, strengthening FEMA and memorializing its role in federal disaster mitigation.<sup>73</sup>

On January 24, 2025, President Donald Trump issued an executive order citing the federal response to Hurricane Helene as one of the reasons needed to “drastically improve [FEMA’s] efficacy, priorities, and competence.”<sup>74</sup> The order cited concerns of political bias and claims of lost focus throughout the administration of FEMA, and established a review council to advise the executive branch on necessary FEMA changes.<sup>75</sup> The council was directed to conduct a “full-scale review” of FEMA and its administration and draft new strategies to reduce taxpayer burdens.<sup>76</sup> The newly developed council was one of the first signs of a changing tide in FEMA administration under the direction of President Trump. On March 18, 2025, another executive order called upon state and local governments to take a stronger role in disaster preparedness.<sup>77</sup> While this executive order did not change much on paper, as technically state and local governments already serve a strong role in disaster preparedness, the administration does still have the capacity to withdraw resources provided to the states in their disaster management.<sup>78</sup> This is a process that the current administration has already begun to undertake.<sup>79</sup>

In prior years, FEMA has managed federal funding schemes that hinge on where each state is in terms of the adoption of updated building codes.<sup>80</sup> The main FEMA funding scheme relevant to building codes formerly was the Building Resilient Infrastructure and Communities program (“BRIC”), which functioned to support projects such as strengthening building codes, flood control, and stormwater management upgrades.<sup>81</sup> This program used seven technical evaluation criteria to score states in a

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<sup>73</sup> *Id.*

<sup>74</sup> Exec. Order No. 14180, 90 Fed. Reg. 8743 (Jan. 24, 2025).

<sup>75</sup> *Id.*

<sup>76</sup> Lauren Sommer, *Trump Wants States to Handle Disasters. States Aren’t Prepared*, NPR (Mar. 21, 2025, 4:08 PM), <https://www.npr.org/2025/03/21/nx-s1-5327595/trump-order-fema-states-disaster-response>.

<sup>77</sup> Exec. Order No. 14239, 90 Fed. Reg. 13267 (March 18, 2025).

<sup>78</sup> Sommer, *supra* note 76.

<sup>79</sup> See ASCE Staff, *FEMA ends Building Resilient Infrastructure and Communities Program*, INFRASTRUCTURE REP. CARD (Apr. 24, 2025), <https://infrastructurereportcard.org/fema-ends-bric-program/>.

<sup>80</sup> *Building Codes Strategy*, FEMA, <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes-strategy> (last visited Dec. 4, 2025).

<sup>81</sup> See ASCE Staff, *supra* note 79.

national competition for FEMA project funding.<sup>82</sup> One of the seven criteria at issue for the program was building code adoption.<sup>83</sup> North Carolina's Codes, when assessed by BRIC, resulted in a maximum score of ten points for this criterion.<sup>84</sup> However, states with updated codes were able to score twenty points in this category automatically.<sup>85</sup> In 2022, states needed at least the 2018 version of both the International Building and Residential Codes to gain those points.<sup>86</sup> The failure to update code adoption put North Carolina at an immediate disadvantage in the competition for FEMA funding in comparison with updated states.<sup>87</sup> FEMA also sought to incentivize compliance by implementing a building code "plus-ups" element of BRIC funding, which allowed states to receive up to \$2 million to carry out eligible building code adoption and enforcement activities.<sup>88</sup> North Carolina was therefore missing out on opportunities for increased BRIC funding on both a standardized and a plus-up level.

While the individual components of a FEMA assessment are not made public, the North Carolina Department of Public Safety noted in 2024 that building codes were likely a *decisive* factor in the failure of projects to secure funding.<sup>89</sup> North Carolina received approximately \$58 million in 2022 and \$102 million in 2023, but that number plummeted to \$30 million in 2024 following the passage of HB 488, which altered the adoption of building codes and inspection requirements, discussed more specifically in Part II of this Note.<sup>90</sup>

While having the eye on the prize in terms of maximizing disaster relief funding and resources used to mean states following the FEMA guidelines, things have shifted in recent months. On April 4, 2025, FEMA announced the end of the Building Resilient Infrastructure and

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<sup>82</sup> *Building Resilient Infrastructure and Communities Technical Evaluation Criteria*, FEMA (Oct. 2022), [https://www.fema.gov/sites/default/files/documents/fema\\_fy22-bric-technical-evaluation-criteria-psm\\_112022.pdf](https://www.fema.gov/sites/default/files/documents/fema_fy22-bric-technical-evaluation-criteria-psm_112022.pdf).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *See id.*

<sup>88</sup> *Building Resilient Infrastructure and Communities Building Code Activities*, FEMA (Oct. 2023), [https://www.fema.gov/sites/default/files/documents/fema\\_hma\\_bric-building-code-activities-psm\\_fy23.pdf](https://www.fema.gov/sites/default/files/documents/fema_hma_bric-building-code-activities-psm_fy23.pdf).

<sup>89</sup> Brandon Kingdollar, *Building Codes Led North Carolina to Lose Out on \$70M in Disaster Prep Funds, State Says*, N.C. NEWSLINE (Oct. 16, 2024), <https://ncnewsline.com/2024/10/16/building-codes-led-north-carolina-to-lose-out-on-70m-in-disaster-prep-funds-state-says/>.

<sup>90</sup> *North Carolina Faces the Effects After Republican Legislators Blocked Resilient Building Codes, Losing Millions in FEMA Funding*, N.C. OFF. OF GOVERNOR (July 25, 2024), <https://governor.nc.gov/news/press-releases/2024/07/25/north-carolina-faces-effects-after-republican-legislators-blocked-resilient-building-codes-losing>.

Communities program, while simultaneously cancelling any applications the program received from Fiscal Years 2020–23.<sup>91</sup> Any funds that had not already been distributed were returned to the U.S. Treasury or Disaster Relief Fund immediately upon the press release announcing the cancellation.<sup>92</sup> In announcing its ending, as a way of explanation, the program was called “wasteful and ineffective[.]”<sup>93</sup> Additionally, on June 10, 2025, President Trump announced his intentions to “wean” states off of FEMA assistance completely following the 2025 hurricane season.<sup>94</sup> President Trump shared that he found FEMA unsuccessful and extremely expensive, and believes that state “governors are better positioned to respond to natural disasters . . . .”<sup>95</sup> President Trump also expressed an intention to dial back on federal aid administered for disaster recovery, remarking that “[a] governor should be able to handle it, and frankly, if they can’t handle it, the aftermath, then maybe they shouldn’t be governor.”<sup>96</sup>

The future of FEMA’s existence seems to be grim. Meaning that where North Carolina previously had at least some source of federal disaster funding, the state now risks having none, which increases the importance of taking state action toward disaster preparedness. FEMA funding served as a motivator in updating codes in many states, but in the absence of such funding motivation, states are left with the responsibility to handle things on their own. The less federal funding, the more dire the need becomes to adhere to codes that enable structures to withstand natural disasters, as rebuilding after the next big storm may be a solely state-led effort.

## II. HB 488

In understanding how North Carolina was left vulnerable to Hurricane Helene through outdated building codes and standards, and remains

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<sup>91</sup> Press Release, FEMA, *FEMA Ends Wasteful, Politicized Grant Program, Returning Agency to Core Mission of Helping Americans Recovering from Natural Disasters* (Apr. 4, 2025), <https://web.archive.org/web/20250426172440/https://www.fema.gov/press-release/20250404/fema-ends-wasteful-politicized-grant-program-returning-agency-core-mission?form=MG0AV3&form=MG0AV3>.

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> Melissa Quinn, *Trump Says His Administration Wants to “Wean” States Off FEMA Aid After Hurricane Season*, CBS NEWS: POLS. (June 11, 2025, 10:16 AM), <https://www.cbsnews.com/news/trump-fema-hurricane-season-wean-states/>.

<sup>95</sup> *Id.*

<sup>96</sup> Gabe Cohen, *Trump Says He Plans to Phase Out FEMA After 2025 Hurricane Season*, CNN POLITICS (June 11, 2025, 9:11 PM), <https://www.cnn.com/2025/06/11/politics/fema-hurricane-season-phase-out-trump>.

vulnerable today, one place to look is at legislation and the domination held by the Home Builders Association.<sup>97</sup> A prime example of the dangerous legislation functioning to keep North Carolina underprepared for disasters is HB 488, the Code Council Reorganization and Various Code Amendments Act.<sup>98</sup> The purpose of this bill generally was “to reorganize the building code council and create the residential code council, to amend various provisions of the North Carolina state building code and land development regulations, and to increase the project cost minimum for applicability of general contractor licensing requirements.”<sup>99</sup> HB 488 was first filed on March 27, 2023.<sup>100</sup> It made its way through the legislature and was ratified on June 28, 2023, and presented to Governor Roy Cooper that same day. On July 7, 2023, Governor Cooper vetoed the bill, citing concerns relating to funding, safety, and efficiency in North Carolina building codes.<sup>101</sup> In his veto, former Governor Roy Cooper noted that through the freeze on residential building codes, this bill would not only end up costing homeowners and renters more, but also “imperil[] North Carolina’s ability to qualify for FEMA funds” by keeping state codes out of date and “wip[ing] out years of work to make homes safer and more affordable.”<sup>102</sup> Despite the warnings and pleas, the Republican majority overrode Governor Cooper’s veto, making HB 488 effective on August 16, 2023, in the midst of hurricane season.<sup>103</sup>

The bill included a variety of provisions, including pausing North Carolina building codes for mechanical, fuel gas, and energy conservation and efficiency until January 2026.<sup>104</sup> The bill also halted requirements for routine exterior sheathing inspections for structures or dwellings in regions where the wind speeds are less than 140 m.p.h.<sup>105</sup> Sheathing on a house has been compared to brakes on a vehicle, and a sheathing inspection looks at the structure of a home to determine how much wind a home can

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<sup>97</sup> See Flavelle, *supra* note 3; N.C. OFF. OF GOVERNOR, *supra* note 90; see also Norment & Tompkins, *supra* note 59 (crediting H.B. 47 for the additional delay in building code adoption).

<sup>98</sup> See H.B. 488, 2023 Gen. Assemb. (N.C. 2023).

<sup>99</sup> *Id.*

<sup>100</sup> *House Bill 488*, N.C. GEN. ASSEMB., <https://www.ncleg.gov/BillLookUp/2023/H488> (last visited Dec. 6, 2025).

<sup>101</sup> *Id.*; Roy Cooper, *Governor Roy Cooper Objections and Veto Message* (July 7, 2023), <https://webservices.ncleg.gov/ViewBillDocument/2023/6812/0/H488-BD-NBC-11126>.

<sup>102</sup> Cooper, *supra* note 101.

<sup>103</sup> H.B. 488; see N.C. OFF. OF GOVERNOR, *supra* note 90.

<sup>104</sup> H.B. 488.

<sup>105</sup> *Id.*

safely withstand.<sup>106</sup> David Prevatt, a structural engineer at the University of Florida, warns that inadequate sheathing is what makes the difference between a standing rectangular building and one that catastrophically fails when faced with high wind speeds.<sup>107</sup> The provision in HB 488 barred required sheathing inspections for a large majority of the state (typically, only the coastal areas have estimated wind speeds above 140 m.p.h.), resulting in homeowners lacking certainty about what their homes can actually withstand.<sup>108</sup>

This bill, like other dangerous legislative actions,<sup>109</sup> was a display of power by the Home Builders Association, seeking to pause code updates in order to turn a larger profit on new, cheap, and fast home construction.<sup>110</sup> The Home Builders Association, a primary lobbyist behind the bill, directs almost twice as much funding to North Carolina Republicans as they do Democrats, and “has contributed \$4.3 million to North Carolina politicians over the past three decades.”<sup>111</sup> Kim Wooten, an engineer on the North Carolina Building Code Council, stated that the Home Builders Association “has fought every bill that has come before the General Assembly to try to improve life safety.”<sup>112</sup> Wooten also noted the important “coincidence” that state lawmakers often receive direct campaign contributions from the Home Builders Association, or are homebuilders themselves.<sup>113</sup>

Email correspondence obtained by the Energy and Policy Institute reveals that the Home Builders Association, alongside North Carolina Representative Mark Brody and others, played a direct role in the crafting of HB 488.<sup>114</sup> The paper trail here is indicative of the Home Builders Association’s tight grasp on the North Carolina legislature. The emails included suggested edits, requests for changes with specific new language, and draft

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<sup>106</sup> Adam Wagner, *New Building Code Law Bars a Key Inspection in Most of NC. That Raises Risks, Experts Say*, THE NEWS & OBSERVER (Aug. 21, 2023, 7:30 AM) <https://www.newsobserver.com/news/politics-government/article278296783.html>.

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> See Norment & Tompkins, *supra* note 59 (crediting H.B. 47 for the additional delay in building code adoption).

<sup>110</sup> See N.C. OFF. OF GOVERNOR, *supra* note 90.

<sup>111</sup> Peter Castagno, *Lobbyist-Written Building Code Law Could Increase Homeowner Insurance, Limit Grant Opportunities*, PORT CITY DAILY (July 28, 2024), <https://portcitydaily.com/local-news/2024/07/28/lobbyist-written-building-code-law-could-increase-homeowner-insurance-limit-grant-opportunities/>; Flavelle, *supra* note 3.

<sup>112</sup> Flavelle, *supra* note 3.

<sup>113</sup> *Id.*

<sup>114</sup> Castagno, *supra* note 111.

exchanges between legislative staff and home builders' lobbyists.<sup>115</sup> The Home Builders Association has surpassed lobbying outside the doors and is now in the position of assisting in drafting the very legislation they seek to be passed.<sup>116</sup> The monetary contributions and influence from the Home Builders Association loom over North Carolina and result in legislation, such as HB 488, put into place with a profit-based goal, instead of efforts to protect the people.<sup>117</sup>

The Governor's office estimated that the enactment of HB 488 and its freeze on code updates led to a loss of up to \$70 million in FEMA funding.<sup>118</sup> This loss of potential funding from FEMA's BRIC program, coupled with resulting higher insurance rates, resulted in what Cooper described as a "lose-lose" for the state of North Carolina.<sup>119</sup> HB 488 also effectively blocked the implementation of new codes that had already been approved, which would have aligned North Carolina with disaster-prepared states such as Florida.<sup>120</sup> Roy Wright, CEO of the Insurance Institute for Building and Home Safety, called this bill "a step back in time," especially when "storms are coming more often with more intensity."<sup>121</sup> Commissioner Mike Causey predicted insurance rates would rise across the entire state, pointing out that "[a]nytime you weaken state building codes, it has a direct impact on driving up homeowners insurance[.]"<sup>122</sup> Causey's statements fall in line with Roy Cooper's prediction in his veto, that HB 488 would "cost homeowners and renters more money" on top of ending important strides in making "home construction safer from disaster and more energy efficient."<sup>123</sup>

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<sup>115</sup> David Boraks, *Could Updated Building Codes Reduce Risks from Future Storms? Some Experts Say Yes*, NPR (Nov. 10, 2024, 1:00 PM), <https://www.npr.org/2024/10/17/nx-s1-5140613/helene-wrecked-homes-updated-building-codes-reduce-risks-from-future-storms> [hereinafter Boraks, *Experts Say Yes*]; David Boraks, *How the Home Building Industry Got a Bill to Delay New Energy Efficiency Standards in NC*, WFAE (July 17, 2023, 12:01 AM) <https://www.wfae.org/energy-environment/2023-07-17/how-the-home-building-industry-got-a-bill-to-delay-new-energy-efficiency-standards-in-nc> [hereinafter Boraks, *Bill to Delay*].

<sup>116</sup> See Boraks, *Experts Say Yes*, *supra* note 115.

<sup>117</sup> *Id.*

<sup>118</sup> N.C. OFF. OF GOVERNOR, *supra* note 90.

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> David Boraks, *Ex-FEMA Officials Concerned about Bill Blocking Building Code Updates*, WFAE (Aug. 4, 2023, 2:43 PM), <https://www.wfae.org/energy-environment/2023-08-04/ex-fema-officials-concerned-about-bill-blocking-building-code-updates> [hereinafter Boraks, *Building Code Updates*].

<sup>122</sup> CEDAR MGMT. GRP., *supra* note 4; *A Year Later, North Carolinians Are Still Paying the Price of the NCGOP's Building Code Bill*, NC VOICES (Aug. 5, 2024), <https://ncvoices.com/a-year-later-north-carolinians-are-still-paying-the-price-of-the-ncgops-building-code-bill/>.

<sup>123</sup> See Cooper, *supra* note 101.

The Insurance Institute for Business & Home Safety labeled North Carolina Building Code update restrictions as the “most concerning negative action” among the eighteen most hurricane-prone states assessed between 2021 and 2024.<sup>124</sup> The “negative action” was a reference specifically to HB 488 and the fact that consistent adoption of updated model building codes is critical where new technology is emerging so quickly.<sup>125</sup> The model codes incorporate evolving materials and practices, and the adoption of them avoids the creation of unnecessary vulnerabilities.<sup>126</sup> North Carolina has been criticized by International Code Council officials for setting a bad example and failing to do its citizens justice.<sup>127</sup> The politicization of building codes by playing into the hands of the Home Builders Association runs afoul of the goal: keeping North Carolina citizens safe in the face of disaster.<sup>128</sup>

FEMA and the funding schemes employed in FEMA administration focused on building codes for a *reason*.<sup>129</sup> Hazard-resistant building codes have been found, when updated, to greatly reduce property loss from natural disasters in one of the most cost effective ways.<sup>130</sup> In 2019, research by the National Institute of Building Sciences and FEMA found that “[e]very \$1 spent on mitigation in new code construction save[d] \$11 in disaster repair and recovery costs.”<sup>131</sup> These numbers undercut any notion that updated codes are not cost effective or affordable. Not only is it “worth it” to update codes financially, but the research indicates it is also actively saving money that would be spent on future repairs in the event that the structures were not built on modern codes.<sup>132</sup> The formula for building codes is older than the states themselves, with the use of building codes dating back to the code of Hammurabi and the Roman Empire.<sup>133</sup>

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<sup>124</sup> *Rating the States 2024*, INS. INST. FOR BUS. & HOME SAFETY (Apr. 2024), <https://www.insurancejournal.com/app/uploads/2024/06/Rating-the-States-report.pdf>.

<sup>125</sup> *See id.*

<sup>126</sup> *Id.*

<sup>127</sup> Wagner, *supra* note 106.

<sup>128</sup> *See id.*

<sup>129</sup> *See Protecting Communities and Saving Money*, FEMA (Nov. 2020), [https://www.fema.gov/sites/default/files/2020-11/fema\\_building-codes-save\\_brochure.pdf](https://www.fema.gov/sites/default/files/2020-11/fema_building-codes-save_brochure.pdf).

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> *See The History of Building Safety Month*, BLDG. SAFETY J. (MAY 27, 2025), <https://www.ic-safe.org/building-safety-journal/bsj-dives/building-safety-month-has-come-a-long-way/> (explaining King Hammurabi published the first building code in 2000 B.C. in ancient Babylon, complete with a punishment of death if the building were to fall and kill its owner after being poorly constructed).

The slow degradation of North Carolina homes through bills that attack building codes has been deemed “death by a thousand cuts.”<sup>134</sup> Experts are aware that many people turn a blind eye “to these code changes because they’re boring[,]” but fear that the “rush to rebuild [post-Helene] will end up costing people their lives.”<sup>135</sup> Ben Edwards, a consultant who has helped draft building codes in both North Carolina and nationally, reflected on North Carolina’s decisions to “decentralize” concerns about health and life safety, calling that “decentralization” a closeted “de-regulation” instead.<sup>136</sup> Former FEMA directors have also commented on the importance of modern building codes, citing them as “one of the most powerful tools” to protect against destructive storms.<sup>137</sup> If the codes are not working against the damage, then the answer is not to freeze them, it is to strengthen them. HB 488 works to blatantly prevent this ability through its code pausing provisions, at least for years to come.<sup>138</sup>

### III. CONSTRUCTING THE FUTURE

Legislation like HB 488 prevents North Carolina from making positive changes in the adoption of building codes and requires legislative action to remove harmful barriers to updated code adoption. HB 488 represents contentment with inadequate standards through its provisions and fails to address the more relevant inquiry: whether North Carolina will ever take the steps to protect itself from destructive storms. The affordable housing concern is not one that is remedied by the building of unsafe and unstable homes.<sup>139</sup> Building outdated homes only heightens the chance of disaster damage, and the cost of repairs incurred ends up being more than the code updates themselves.<sup>140</sup> The consequences of HB 488? More unstable homes are being built in the place of devastation, with the only regulation being outdated codes with poor protections.<sup>141</sup> The state has

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<sup>134</sup> David Hodges, *North Carolina Lawmakers Erode Building Code for Years Before Helene Hit*, WBTW (Oct. 5, 2024, 6:00 AM), <https://www.wbtv.com/2024/10/05/north-carolina-lawmakers-erode-building-code-years-before-helene-hit/>.

<sup>135</sup> *Id.*

<sup>136</sup> Boraks, *Experts Say Yes*, *supra* note 115.

<sup>137</sup> Boraks, *Building Code Updates*, *supra* note 121.

<sup>138</sup> See Rob Moore, *Weaker Codes Means New homes Will Be Less Safe in North Carolina*, NRDC (May 22, 2024), <https://www.nrdc.org/bio/rob-moore/weaker-codes-means-new-homes-will-be-less-safe-north-carolina>.

<sup>139</sup> See Kingdollar, *supra* note 89; CEDAR MGMT. GRP., *supra* note 4.

<sup>140</sup> See FEMA, *supra* note 129.

<sup>141</sup> See Flavelle, *supra* note 3; Hodges, *supra* note 134.

created a cyclical process of destruction, which is consistently ignored given the need for re-election by state legislatures.<sup>142</sup>

At a time when North Carolina is positioned to face an oncoming dangerous hurricane season coupled with potential FEMA breakdown, all while still attempting to recover from the effects of Helene, the freezing and manipulation of building codes is the nail in the coffin. HB 488 prevents North Carolina from getting ahead of these impending changes by keeping the state rooted in old practices and codes. Even where it permits change, HB 488 emboldens the Home Builders Association by assuring the homebuilders and their organization that they are still in control. The passage of the bill alone, predicated upon the Home Builders Associations suggestions and draft contributions, sets a dangerous precedent for legislation in the area of building codes and infrastructure. While it is obvious that not all of Helene's damage is the fault of legislative action, the question now is one of the future. As geologist Rob Young phrased it, "[i]t's all about building back smarter[.]"<sup>143</sup> Much of Helene's damage was unavoidable, tearing apart communities that had existed long before the modern building codes sought to be implemented today.<sup>144</sup> Yet, the future of homebuilding could lend itself to protection from that extent of destruction.<sup>145</sup> The homes that are built in place of the devastation should be built in such a way that they can withstand the test of time, or more aptly, the test of the next hurricane. Looking to the future reveals why the updated codes are crucial, because the rebuilding done today will be put to the test tomorrow.

Although the reason for concern has shifted, the sentiment is the same. Whereas before, the need for FEMA funding was the driving force behind a need for better legislative practices in relation to disaster preparedness, the concern now is on the state's need for reform as a means to save itself.<sup>146</sup> The current administration has emphasized a desire to shift disaster relief from a federally managed effort to a state managed effort.<sup>147</sup> The fatal flaw in this plan is that while the administration claims states must

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<sup>142</sup> See Flavelle, *supra* note 3.

<sup>143</sup> Boraks, *Experts Say Yes*, *supra* note 115.

<sup>144</sup> See *id.*

<sup>145</sup> See *id.*

<sup>146</sup> See Cooper, *supra* note 101 (highlighting the importance of FEMA funding as expressed in Former Governor Roy Cooper's veto). See generally Cohen, *supra* note 96 (calling into question the future of FEMA funding at all).

<sup>147</sup> See Cohen, *supra* note 96.

be prepared to manage disasters, that is how things already function.<sup>148</sup> FEMA steps in only when a state is overwhelmed and in particular need.<sup>149</sup> This dismantling does not allow the states time to prepare for such a drastic reduction in federal funding, and will likely leave communities and people more vulnerable to the next disaster.<sup>150</sup> Where North Carolina had federal funding in the past, it now has a responsibility to step up and support the state from the inside.<sup>151</sup>

The other states that were operating in accordance with updated building codes under old FEMA structures were benefiting not just from increased FEMA funding, but from the protections of the codes that they put into place. While the federal officials repeat “that states and local jurisdictions must provide disaster response and recovery[,]” that ideology fails to account for states that are currently in a poor position to do so.<sup>152</sup> One example being North Carolina, which not only is operating on outdated codes, but is still struggling to recover from Hurricane Helene.<sup>153</sup> The fact that FEMA funding is at risk makes it even more important for North Carolina to implement stronger building codes that can withstand the force of natural disasters like Hurricane Helene. As BRIC funding is cancelled, a reliance on FEMA may become a reliance on an empty promise, as there are fewer and fewer avenues to receive federal funding. No longer is anyone coming to help. In light of the potential loss of FEMA funding, North Carolina should be preparing to respond to disasters on its own. That preparation involves mitigating damage and cutting costs, both of which can be accomplished through the adoption of hazard-resistant practices and codes. North Carolina’s lack of efforts to strengthen building codes, coupled with the remnants of failed infrastructures left by Helene, leave North Carolina running on borrowed time ahead of the next inevitable disaster.<sup>154</sup>

The risk to FEMA funding comes at a time when North Carolina is still feeling the effects of Hurricane Helene on a daily basis.<sup>155</sup> U.S. Representative Deborah Ross, from North Carolina, shared concerns over the

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<sup>148</sup> See Shana Udvardy, *5 Actions Needed after President Trump’s FEMA Review Council Meeting*, THE EQUATION (June 12, 2025, 1:37 PM), <https://blog.ucs.org/shana-udvardy/5-actions-needed-after-president-trumps-fema-review-council-meeting/>.

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *See id.*

<sup>152</sup> *Id.*; see Allen & Peñaloza, *supra* note 10.

<sup>153</sup> Udvardy, *supra* note 148; see Allen & Peñaloza, *supra* note 10.

<sup>154</sup> See Hodges, *supra* note 134.

<sup>155</sup> Allen & Peñaloza, *supra* note 10.

administration's expressed desire in cancelling FEMA funding.<sup>156</sup> Ross stated, "[Trump's] proposal to eliminate FEMA will be disastrous for the communities rebuilding and the communities that will be affected by this hurricane season."<sup>157</sup> Ross's concerns are not without merit, for North Carolina has a long way to go, and faces a crossroads where one road leads deeper into the heart of the Home Builders Association, allowing them more and more influence and control over the Codes, and the other leads to homes that withstand the test of time. The options are to continue on this path, allowing legislation that stalls building codes, prevents timely updates, and endangers North Carolina citizens, or to take steps in the opposite direction by creating updated building codes and maintaining them for the rest of time to come.

The unique fact about this legal problem is the existence of a solution. Too often legal issues are confounding, providing no transparent answers to achieve the sought after outcome. Here, it is evident what changes North Carolina must take on. North Carolina should be aligning itself with states that are topping the charts on disaster preparedness, not the bottom. Through the adoption of current model codes and the removal of weakening legislation, North Carolina should return building codes to their intended function, a non-politicized safety measure. The implementation of legislation that returns North Carolina to a three-year adoption cycle is the starting place to prevent this cycle from continuing.<sup>158</sup> There also needs to be legislation introduced to repeal HB 488 and other regressive stagnation laws. Repealing HB 488 would not be an easy task, given that it was passed following a veto override.<sup>159</sup> However, these changes need to happen to ensure that North Carolina has updated codes now and in the future. With the repeal of HB 488 and the return to a three-year update cycle, North Carolina would be in a prime position for reform. Those changes, coupled with public attention on building codes and the updates that occur, could prevent a ten-year code stagnation period from ever occurring again. Extensive efforts by the public will be required to obtain the necessary majority to overturn. While the average person may lack experience and interaction with building codes, the action falls on the people of North Carolina to become informed and to advocate for the safety of their homes

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<sup>156</sup> Liz McLaughlin & Eric Miller, *Trump's Plan to Phase Out FEMA Draws Criticism from NC Democrats*, WRAL NEWS (June 11, 2025, 6:48 PM), <https://www.wral.com/news/local/trump-phase-out-fema-2025-hurricane-impact-western-nc/>.

<sup>157</sup> *Id.*

<sup>158</sup> See Flavelle, *supra* note 3 (stating the change to a six-year adoption cycle in North Carolina was directly consequential to Helene).

<sup>159</sup> See generally N.C. OFF. OF GOVERNOR, *supra* note 90.

and their lives. The North Carolina General Assembly website states that “[t]he only way to get a new law passed or an old law changed is to talk to the Representative or Senator who represents your area.”<sup>160</sup> A public outcry stronger than the Home Builders Association’s paychecks will be required to result in any real change.<sup>161</sup>

Individuals in North Carolina should be calling on their representatives to make these changes and drawing attention in the public sphere to the danger of North Carolina’s inaction. The way to garner support for this legislation, while moving North Carolina in a positive direction, is simply to educate. Homebuyers should be informed when undertaking new builds of the concerns regarding homes being constructed on codes written ten years ago, as well as the importance of preparing for the next disaster that may come. Helene was a terrifying and devastating disaster, but that fear may end up being what drives the state to make these changes. No one wants to risk their lives toying around with outdated building codes, but before Helene, people did not know this was something they should even be worried about.

In a similar fashion to how Florida measures time as before and after Hurricane Andrew, the Appalachian Mountains can now mark time as before and after Hurricane Helene. Helene is a storm that will not easily be forgotten, which is all the more reason it should at least contribute to change and growth for a better future. North Carolina should respond in the way Florida responded after Andrew, by fixing the codes and refusing to let history repeat itself. While this goal is not one to be achieved overnight, it is one with a deadline. Time ticks away before the next natural disaster may hit, and North Carolina can no longer hide the ball on code updates, nor should they desire to do so after witnessing the grave loss effectuated by Helene. North Carolina should enact current codes immediately and stop putting roadblocks in the way of update efforts for Building and Residential Codes.

In the absence of legislative action, North Carolina faces a grim future. As evidenced in Part I, these catastrophic storms can no longer be catalogued as “1,000 year-events.”<sup>162</sup> The frequency of their occurrence and the increase in destruction are not set on a path to cease.<sup>163</sup> Those in the homebuilding industry frequently refer to the need to produce cheaper

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<sup>160</sup> *Frequently Asked Questions*, N.C. GEN. ASSEMBLY, <https://sites.ncleg.gov/library/faq/> (found under “How do I get a law passed?” from dropdown) (last visited Nov. 25, 2025).

<sup>161</sup> See generally Flavelle, *supra* note 3.

<sup>162</sup> See *supra* Part I; Sasser, *supra* note 5 (“Haywood County [alone] in North Carolina has had two proclaimed ‘1,000-year events’ in the past three years.”).

<sup>163</sup> See Sasser, *supra* note 5.

homes.<sup>164</sup> But who is that *need* for? When houses are being subjected to storms they cannot withstand, and insurance is rising, the only goal accomplished is a payout for the Home Builders Association at the cost of the people of North Carolina.<sup>165</sup> In the absence of an updated code adoption system, North Carolina will perpetually be lagging. If the current administration continues on its path to eliminate FEMA, funding will likely continue to disappear, leaving the state in a perpetually weaker position when confronted with deadly storms.<sup>166</sup> The state demands a higher standard of care, and North Carolina has a duty to protect its people.

### CONCLUSION

What is left for North Carolina in the absence of updated codes is a waiting game, hiding from the inevitable. For it is not a question of if another hurricane strikes, it is a matter of when. Where North Carolina maintains complacency with outdated building codes, both building and residential, the state opens itself up to increased disaster and destruction, with seemingly no plans for repair. FEMA funding is at risk, storms are coming in unprecedented waves, and bills are being passed preventing change when they should be mandating it. Buyers want cheaper home costs and builders want cheaper building costs. Everyone wants a cheaper house, but they seem to forget that the consequences paid for shortchanging building regulations could be their lives. The balancing act of lax building codes leveraged for cheaper homes must come to an end as North Carolina prepares for future storms. There is hope in the idea that Helene was a wake-up call. Helene was the sort of unexpected disaster that put people on notice of a need to prepare for the future. This sort of community action is exactly what change requires. It is time for the people to take action for a safer North Carolina, and an updated building code is the perfect place to start.

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<sup>164</sup> See Boraks, *Experts Say Yes*, *supra* note 115.

<sup>165</sup> See *id.*

<sup>166</sup> See Cohen, *supra* note 96.