

How the North Carolina Legislature Left Homes Vulnerable to Helene

By Christopher Flavelle (NYT) WRAL, October 3, 2024 (modified to remove political affiliations)

The amount of rain that Tropical Storm Helene unleashed over North Carolina was so intense, no amount of preparation could have entirely prevented the destruction that ensued. But decisions made by state officials in the years leading up to Helene most likely made some of that damage worse, according to experts in building standards and disaster resilience.



Over the past 15 years, North Carolina lawmakers have rejected limits on construction on steep slopes, which might have reduced the number of homes lost to landslides; blocked a rule requiring homes to be elevated above the height of an expected flood; weakened protections for wetlands, increasing the risk of dangerous stormwater runoff; and slowed the adoption of updated building codes, making it harder for the state to qualify for federal climate-resilience grants.

Those decisions reflect the influence of North Carolina’s homebuilding industry, which has consistently fought rules forcing its members to construct homes to higher, more expensive standards, according to Kim Wooten, an engineer who serves on the North Carolina Building Code Council, the group that sets homebuilding requirements for the state. “The homebuilders association has fought every bill that has come before the General Assembly to try to improve life safety,” said Wooten, who works for Facilities Strategies Group, a company that specializes in building engineering. She said that state lawmakers, many of whom are themselves homebuilders or have received campaign contributions from the industry, “vote for bills that line their pocketbooks and make homebuilding cheaper.”

Chris Millis, director of regulatory affairs for the North Carolina Home Builders Association, said his industry is focused on reducing housing costs but added: “We do not pit affordability against regulations necessary for the protection of public safety.”

In 2009 and 2010, lawmakers from the state’s mountainous western region wanted statewide rules to restrict construction on slopes with a high or moderate risk of landslides. Their legislation failed in the face of pushback from the homebuilding and real estate industries, according to Pricey Harrison, a state lawmaker who supported the restrictions. Millis said statewide rules are unnecessary because local governments have rules about building on hillsides. Harrison said a statewide standard would be more effective. The push to build on hillsides reflected the growing demand in North Carolina for mountain retreats that would attract tourist dollars, according to Robert S. Young, a professor at Western Carolina University who focuses on climate resilience. “Everybody wants a view in their vacation home,” Young said in an interview. “It’s really hard to shut off that kind of economic activity in a small local community.”

Efforts to weaken building standards in North Carolina picked up steam after one party won control of both houses of the state legislature in 2010. In 2011, lawmakers proposed a law that limited the ability of local officials to account for sea-level rise in their planning. Comedian Stephen Colbert panned the change, quipping: “If your science gives you a result you don’t like, pass a law saying the result is illegal. Problem solved.” Two years later, lawmakers overhauled the way North Carolina updates its building codes. That change attracted far less attention than the sea-level rule — but would be more consequential for Helene.

Every three years, the International Code Council, a nonprofit organization based in Washington, issues new model building codes developed by engineers, architects, homebuilders and local officials. Most states adopt a version of those model codes, which reflect the latest advances in safety and design. But in 2013, the North Carolina legislature decided that the state would update its codes every six years, instead of every three. The change proved important. In 2015, the International Code Council added a requirement that new homes in flood zones be built at least 1 foot above the projected height of a major flood. North Carolina did not adopt that version of the building code until 2019. And even then, the state stripped out the new flood-prevention standard. Rather than make elevation mandatory in flood zones around North Carolina, the state decided that the requirement should only apply if local officials chose to adopt it. The decision most

likely left more homes exposed to flooding, according to Chad Berginnis, executive director of the National Association of State Floodplain Managers. But Mark Brody, a state lawmaker, said the state was right to leave such decisions to local officials. “There are places that are designated floodplains that never flood,” Brody said in an interview. “And the locals would know this better than having a blanket state rule.”

The legislature took other steps that may have exacerbated flooding. In 2014, lawmakers passed laws to weaken protection for wetlands, which can help reduce flood damage by absorbing excess rainfall, according to Brooks Rainey Pearson, a senior attorney at the Southern Environmental Law Center. Three years later, the legislature made it easier for developers to pave green spaces, increasing the risk of flooding caused by heavy rains, according to the Southern Environmental Law Center. Millis, of the homebuilders association, said that “stormwater is heavily regulated in North Carolina.” Last year, efforts by lawmakers to ease the state’s building codes erupted into open confrontation with Gov. Roy Cooper. The legislature passed a law that blocked the state from adopting new building codes until 2031. The law also included smaller changes, such as preventing local building inspectors from ensuring that homebuilders correctly install protective sheathing on homes exposed to winds of 140 mph or less. Cooper vetoed the bill, saying it would “wipe out years of work to make homes safer.” But the legislature overrode his veto.

The new law has made it harder for North Carolina to qualify for Federal Emergency Management Agency grants to fund climate-resilient construction projects, which prioritize states with up-to-date building codes. The governor’s office has estimated that North Carolina has lost \$70 million in grants because of the 2023 law. Then, this summer, the legislature again passed a series of reforms weakening the state’s approach to building standards. The law gave the legislature, rather than the governor, the authority to appoint or approve members of the state’s powerful building code council. It removed the requirement that the council include licensed architects. And it included other changes, such as preventing the state from requiring that electric water heaters be located off the ground to protect from flooding. Cooper again vetoed the legislation, saying it “limits the knowledge and practical experience of the body tasked with ensuring all buildings are safely designed.” The legislature again used their supermajority to override his veto. The governor’s office declined to comment. Brody said the homebuilding industry is like any other interest group seeking to advance its agenda. “Campaign contributions are there, but the General Assembly makes wise decisions,” Brody said. He added that construction bills “get pretty well researched and vetted through. Most of them are just plain common sense.” The homebuilders association has contributed \$4.3 million to North Carolina politicians over the past three decades, according to data from Open Secrets, which tracks political spending.

In the aftermath of Hurricane Helene, insurance money and federal recovery funds will fuel a rush of construction in the areas hit by the storm. Building standards will help determine how well that new construction fares against future disasters, which are becoming more frequent and severe because of climate change. Wooten said she was not optimistic that the damage from Helene would change how North Carolina approached building codes. “Money talks,” Wooten said. “Politicians want to get reelected, and they are going to go where the money is.”

Article Questions

1. What do YOU remember about Hurricane Helene in September of 2024? (not given in article)
2. In what ways did decisions of the NC legislature contribute to the devastation from Hurricane Helene?
3. How did the views of legislators from western NC differ from lobbyists from the homebuilders industry?
4. Why did the NC legislature make national news in 2011, including being mocked by Late Show comedian Stephen Colbert?
5. How do wetlands influence flooding?
6. What is FEMA and how do NC laws influence funding from them?
7. How does the reconstruction after Hurricane Helene provide an opportunity for change?
8. How does science affect politics and vice versa? How do you feel about this relationship?