

**HB198 ENGROSSED**



1 HB198  
2 2QAHISK-2  
3 By Representative Brown  
4 RFD: County and Municipal Government  
5 First Read: 20-Feb-24



## HB198 Engrossed

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to building codes; to designate Sections 34-14A-1 through 34-14A-20 as Article 1 of Chapter 14A of Title 34, Code of Alabama 1975; to amend Sections 34-14A-1, 34-14A-2, 34-14A-7, 34-14A-12, and 34-14A-20, Code of Alabama 1975, to provide for the establishment of the Alabama Residential Building Code and its authority; to further provide for the practice of residential home building; to further provide for the duties of the Home Builders Licensure Board; to add Sections 34-14A-12.1 and 34-14A-12.2 to the Code of Alabama 1975, to add Article 2, commencing with Section 34-14A-41, to Chapter 14A of Title 34, Code of Alabama 1975, to establish the Alabama Residential Building Code Division within the Home Builders Licensure Board and provide for its duties; to establish the Alabama Residential Building Code Fund in the State Treasury and provide for its administration; to add Article 6A, commencing with Section 41-9-175, to Chapter 9 of Title 41, Code of Alabama 1975, to establish the Alabama Residential Building Code Advisory Council and provide for its membership and duties; to amend Sections 41-23-80, 41-23-81, 41-23-82, 41-23-84, and 41-23-85, Code of Alabama



## HB198 Engrossed

29 1975, to provide for the change of the name of the Alabama  
30 Energy and Residential Codes Board to the Alabama Commercial  
31 Energy Code Board and further provide for the membership of  
32 the board; and to provide requirements for certain local  
33 building codes adopted or amended after a date certain.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Sections 34-14A-1 through 34-14A-20 are  
36 designated as Article 1 of Chapter 14A, Title 34, Code of  
37 Alabama 1975.

38 Section 2. Sections 34-14A-1, 34-14A-2, 34-14A-7,  
39 34-14A-12, and 34-14A-20, Code of Alabama 1975, are amended to  
40 read as follows:

41 "§34-14A-1

42 (a) In the interest of the public health, safety,  
43 welfare, and consumer protection, and to regulate the home  
44 building and private residence construction industry, the  
45 purpose of this chapter, and the intent of the Legislature in  
46 passing it, is ~~to~~:

47 (1) To provide for the licensure of ~~those~~ persons who  
48 engage in home building, private residence construction, and  
49 home improvement industries, including remodeling, ~~and to~~.  
50 ~~provide home building standards~~

51 (2) To establish an Alabama Residential Building Code.

52 (3) To provide guidance, assistance, promotion, and  
53 support for code inspections of residential construction. ~~and~~  
54 ~~to~~

55 (4) To support education within the construction trades  
56 and construction inspections in the State of Alabama.



## HB198 Engrossed

57           **(b)** The Legislature recognizes that the home building  
58 and home improvement construction industries are significant  
59 industries. ~~Home builders may pose significant~~ and that  
60 significant harm to the public may result from the provision  
61 of ~~when unqualified, incompetent, or dishonest home builders~~  
62 ~~and remodelers provide~~ inadequate, unsafe, or inferior  
63 building services by unqualified, incompetent, or dishonest  
64 home builders and remodelers. The Legislature finds it  
65 necessary to regulate the residential home building and home  
66 improvement industries."

67           "§34-14A-2

68           As used in this chapter, the following terms ~~shall~~ have  
69 the following meanings, respectively, unless the context  
70 clearly indicates otherwise:

71           (1) ADVERTISING. Engaging or offering to engage in any  
72 acts or services as a residential home builder by the act or  
73 practice of offering for sale professional services by  
74 promoting those services through print, radio or television  
75 media, on billboards, through social media, through  
76 promotional sponsorships, on vehicles, by the placement of  
77 signs in front of ongoing or completed worksites, or by  
78 displaying credentials, including licensure, to perform  
79 residential home building.

80           (2) ALABAMA RESIDENTIAL BUILDING CODE. The code adopted  
81 by the board, as amended by the board, and based on a  
82 published edition of the International Residential Code, and  
83 the residential chapters of a published edition of the  
84 International Energy Conservation Code.



## HB198 Engrossed

85           (3) APPLICABLE RESIDENTIAL BUILDING CODE. The Alabama  
86 Residential Building Code or a local residential building code  
87 adopted by a county or municipality, pursuant to this chapter,  
88 where the construction, renovation, or repairs will take  
89 place.

90           ~~(1) ADVISORY COUNCIL.~~ ~~The Alabama Construction Trade~~  
91 ~~Advisory Council.~~

92           ~~(2)~~ (4) BOARD. The Home Builders Licensure Board.

93           ~~(3)~~ (5) COST OF THE UNDERTAKING. The total cost of the  
94 materials, labor, supervision, overhead, and profit.

95           (6) COUNCIL. The Alabama Residential Building Code  
96 Advisory Council.

97           (7) DIVISION. The Alabama Residential Building Code  
98 Division.

99           ~~(4)~~ (8) HOMEOWNER. A person who owns and resides in or  
100 intends to reside in a structure constructed or remodeled by a  
101 licensee of the board, or who contracts with a licensee for  
102 the purchase, construction, repair, improvement, or  
103 reimprovement of a structure to be used as a residence.

104           ~~(5)~~ (9) IMPROVEMENT. Any site-built addition or  
105 enhancement attached to or detached from a residence or  
106 structure for use and enjoyment by the homeowner.

107           ~~(6)~~ (10) INACTIVE LICENSE. A license issued at the  
108 request of a licensee, or a building official or a building  
109 inspector, that is renewable, but that is not currently valid.

110           ~~(7)~~ (11) LICENSE. Any license issued by the board  
111 pursuant to this chapter.

112           ~~(8)~~ (12) LICENSEE. A holder of any license issued



## HB198 Engrossed

113 pursuant to this chapter.

114 ~~(9)~~ (13) PERSON. Any ~~natural person~~ individual, limited  
115 or general partnership, corporation, association, limited  
116 liability company, or other legal entity, or any combination  
117 thereof.

118 ~~(10)~~ (14) QUALIFYING REPRESENTATIVE. The individual  
119 designated by a general partnership, limited partnership,  
120 corporation, limited liability company, or not-for-profit  
121 organization applying for a license who either holds a license  
122 individually or meets the experience and ability requirements  
123 for licensure, and who is one of the following:

124 a. A general partner in the case of any partnership.

125 b. An officer in the case of a corporation.

126 c. A member in the case of a member-managed limited  
127 liability company.

128 d. A manager in the case of a manager-managed limited  
129 liability company.

130 e. An individual who is affiliated with one of the  
131 member entities of a limited liability company and who has  
132 been identified and authorized through the operating agreement  
133 to manage day-to-day operations as it relates to operations of  
134 the limited liability company for purposes of licensure.

135 ~~(11)~~ (15) RESIDENCE. A single unit providing complete  
136 independent residential living facilities for one or more  
137 persons, including permanent provisions for living, sleeping,  
138 eating, cooking, and sanitation.

139 ~~(12)~~ (16) RESIDENTIAL HOME BUILDER. A person who  
140 constructs a residence or structure for sale or who, for a



## HB198 Engrossed

141 fixed price, commission, fee, or wage, undertakes or offers to  
142 undertake the construction or superintending of the  
143 construction, or who manages, supervises, assists, or provides  
144 consultation to a homeowner regarding the construction or  
145 superintending of the construction, of any residence or  
146 structure that is not over three floors in height and that  
147 does not have more than four residential units, or the repair,  
148 improvement, or reimprovement thereof, to be used by another  
149 as a residence when the cost of the undertaking exceeds ten  
150 thousand dollars (\$10,000). Notwithstanding the foregoing, the  
151 term includes a residential roofer when the cost of the  
152 undertaking exceeds two thousand five hundred dollars  
153 (\$2,500). Nothing herein shall prevent any person from  
154 performing these acts on his or her own residence or on his or  
155 her other real estate holdings. Anyone who engages or offers  
156 to engage in any acts described in this subdivision, through  
157 advertising or otherwise, shall be deemed to have engaged in  
158 the business of residential home building.

159 ~~(13)~~ (17) RESIDENTIAL ROOFER. A person who installs  
160 products or repairs surfaces on the external upper covering of  
161 a residence or structure that seals, waterproofs, or  
162 weatherproofs the residence or structure.

163 ~~(14)~~ (18) STRUCTURE. A residence on a single lot,  
164 including a site-built home, a condominium, a duplex or  
165 multi-unit residential building consisting of not more than  
166 four residential units, or any improvement thereto.

167 ~~(15)~~ (19) TRANSACTION. The act of entering into a  
168 contract with a licensee to engage in the business of



## HB198 Engrossed

169 residential home building."

170 "§34-14A-7

171 (a) Any residential home builder who desires to receive  
172 a new or renewal license under this chapter shall make and  
173 file with the board 30 days prior to the next meeting of the  
174 board a written application on a form prescribed by the board.  
175 Each applicant shall be a citizen of the United States or, if  
176 not a citizen of the United States, a person who is legally  
177 present in the United States with appropriate documentation  
178 from the federal government. ~~Such~~The application shall be  
179 accompanied by the payment of the annual license fee required  
180 by the board. After the board accepts the application, the  
181 applicant may be examined by the board at its next meeting.  
182 The board, in examining the applicant, shall consider the  
183 following qualifications of the applicant:

184 (1) Experience.

185 (2) Ability.

186 (3) Character.

187 (4) Business-related financial condition.

188 a. The board may require a financial statement on a  
189 form prescribed by the board and a public records search  
190 directly from a credit reporting agency.

191 b. The board may require a positive net worth or other  
192 evidence of business-related financial condition sufficient to  
193 reasonably satisfy the board of the applicant's financial  
194 responsibility.

195 c. The board may require that business-related  
196 judgments, judgment liens, and other perfected liens must be





## HB198 Engrossed

197 satisfied and released.

198 d. Any information obtained by the board pursuant to  
199 this subsection relating to the financial condition of an  
200 applicant shall not be public information.

201 (5) Ability and willingness to serve the public and  
202 conserve the public health and safety.

203 (6) Any other pertinent information the board may  
204 require.

205 (b) (1) If the board finds the applicant qualified to  
206 engage in residential home building in Alabama, the applicant  
207 shall be issued a license. An applicant rejected by the board  
208 shall be given an opportunity to be reexamined after a new  
209 application has been filed and an additional application fee  
210 paid.

211 (2) A record shall be made and preserved by the board  
212 of each examination and the findings of the board pertaining  
213 to the examination. A copy of the record shall be made  
214 available to any applicant requesting it upon the payment of a  
215 reasonable fee to the board.

216 (c) The board, by rule, may require proof of and  
217 maintenance of insurance as a qualification for licensure.

218 (d) The board, by rule, may establish or adopt, or  
219 both, education requirements and may approve, administer, or  
220 financially support the program or programs providing  
221 residential construction education.

222 (e) (1) Each licensee shall notify the board within 10  
223 days after notice of the institution of any criminal  
224 prosecution against him or her. The notification shall be in



## HB198 Engrossed

225 writing, by certified mail, and shall include a copy of the  
226 specific charge made together with a copy of the indictment,  
227 information, or complaint, affidavit, and warrant making the  
228 charges.

229 (2) Each licensee shall notify the board in writing by  
230 certified mail within 10 days after he or she receives ~~the~~  
231 notice that any criminal verdict has been rendered against him  
232 or her, or that a criminal action pending against him or her  
233 has been dismissed.

234 (f) Each licensee shall ~~utilize~~use a valid written  
235 contract when engaging in the business of residential home  
236 building. In addition to any other requirements provided by  
237 law, the contract shall contain the licensee's license number  
238 issued by the board.

239 (g) Whenever a licensee engages in advertising, the  
240 licensee shall ensure that the licensee's valid license number  
241 issued by the board is displayed.

242 ~~(g)~~ (h) When any residential home building to be  
243 performed will comply with a program designed to enhance the  
244 resiliency of the structure beyond the requirements of the  
245 applicable building codes, the licensee shall disclose this  
246 compliance to the homeowner in writing prior to the  
247 commencement of the residential home building.

248 ~~(h)~~ ~~(1)~~ (i) (1) Any licensee who desires to receive an  
249 inactive license shall make and file with the board a written  
250 application for an inactive license on a form prescribed by  
251 the board prior to the expiration of his or her current  
252 license. The application shall be accompanied by the payment



## HB198 Engrossed

253 of the annual inactive license fee required by the board. No  
254 act for which a license is required may be performed under an  
255 inactive license. In the event a person holding a current  
256 inactive license applies for a license, he or she may rely  
257 upon his or her inactive license as evidence of the experience  
258 and ability requirements for licensure under subdivisions (1)  
259 and (2) of subsection (a).

260 (2) A person holding an expired license who seeks to  
261 reactivate his or her license within three years of the date  
262 of expiration shall be deemed to have satisfied the experience  
263 and ability requirements for licensure if application is made  
264 within the three-year time period and all other licensing  
265 requirements pursuant to subsection (a) have been met.

266 (3) Any building official or building inspector who  
267 desires to receive an inactive license shall make and file  
268 with the board 30 days prior to the next meeting of the board  
269 a written application for an inactive license on a form  
270 prescribed by the board. After the board accepts the  
271 application, the applicant may be examined by the board at its  
272 next board meeting. The board, in examining the applicant,  
273 shall consider the following qualifications of the applicant  
274 as satisfying the experience and ability requirements for  
275 licensure:

276 a. That the building inspector is an employee of the  
277 United States, the State of Alabama, or any municipality,  
278 county, or other political subdivision and, by virtue of that  
279 employment, is exempted or prohibited by law from holding a  
280 license; and



## HB198 Engrossed

281           b. That the building inspector does any of the  
282 following:

283           1. Maintains current certification from the Southern  
284 Building Code Congress International as one of the following:

285           (i) Chief building official.

286           (ii) Deputy building official.

287           (iii) Building inspector.

288           (iv) Housing inspector.

289           (v) Design professional.

290           (vi) Plan reviewer.

291           2. Maintains current certification from the  
292 International Code Council as one of the following:

293           (i) Certified building official.

294           (ii) Building inspector.

295           (iii) Residential building inspector.

296           (iv) Property maintenance and housing inspector.

297           (v) Building plans examiner.

298           (vi) Design professional.

299           3. Possesses sufficient building qualifications and  
300 experience to receive a license, as demonstrated by  
301 satisfactory evidence presented to the board.

302           (4) In the event a building official or building  
303 inspector holding a current inactive license applies for a  
304 license, he or she may rely upon his or her inactive license  
305 as evidence of the experience and ability requirements for  
306 licensure under subdivisions (1) and (2) of subsection (a)."

307           "§34-14A-12

308           ~~(a) The board may establish or adopt residential~~



## HB198 Engrossed

309 ~~building codes and standards of practice for residential home~~  
310 ~~builders within the state. A residential building code or~~  
311 ~~standard of practice adopted or established by the board does~~  
312 ~~not supersede or otherwise exempt residential home builders~~  
313 ~~from a local building law or code adopted by the governing~~  
314 ~~body of a county or municipality or from a local or general~~  
315 ~~law.~~

316 (a) The board shall have the sole authority to adopt  
317 the following codes:

318 (1) The Alabama Residential Building Code, which shall  
319 apply to all construction and improvement governed by this  
320 chapter.

321 (2) The Alabama Residential Energy Code, which shall  
322 apply to all residential construction and improvements.

323 (b) (1) The Alabama Residential Building Code shall be  
324 enforced by local jurisdictions that have permitting and  
325 inspection programs for residential construction and  
326 improvements that are adhered to by residential home builders.  
327 The Alabama Residential Building Code does shall not supersede  
328 any local residential building code adopted by any county or  
329 municipality in effect on October 1, 2024.

330 (2) The Alabama Residential Energy Code shall be  
331 enforced by local jurisdictions that have adopted energy code  
332 provisions for residential and commercial construction and  
333 improvements. Provided however, such provisions shall not  
334 exceed those contained within the Alabama Residential Energy  
335 Code.

336 (3) A local building code adopted or amended by any



## HB198 Engrossed

337 county or municipality after October 1, 2024, shall meet the  
338 minimum standards of the Alabama Residential Building Code and  
339 the Alabama Residential Energy Code in effect at the time of  
340 the local building code adoption or amendment. The local  
341 building code may amend the standards as local conditions  
342 require but no such adoption or amendment shall exceed the  
343 provisions of the Alabama Residential Energy Code unless local  
344 conditions or compliance with any federal mandate requires  
345 such adoption or amendment.

346 (4) Notwithstanding any other provision of law to the  
347 contrary, the Alabama Residential Building Code does not apply  
348 to any agricultural building except for any residence  
349 contained therein.

350 ~~(b) (c) (1) The county commissions of the several~~  
351 ~~counties~~ A county commission, by resolution, may adopt  
352 building laws and codes ~~by ordinance which that~~ shall apply in  
353 the unincorporated areas of the county. The county commission  
354 shall provide a copy of any resolution adopted pursuant to  
355 this subsection to the board within 10 business days of  
356 adopting the resolution.

357 (2) A local building law or code adopted pursuant to  
358 this subsection may not take effect until 120 days after the  
359 resolution was adopted; provided, in the case of an insurance  
360 claim requiring work and activities for which a license is  
361 required by this chapter, the effective date for the building  
362 law or code shall be the date of adoption by the local  
363 jurisdiction.

364 (3) ~~The~~ Except as provided in Section 11-40-10 (b) (2),



## HB198 Engrossed

365 the building laws and codes of the county commission shall not  
366 apply within any municipal police jurisdiction outside of the  
367 corporate limits of the municipality, ~~in which that~~  
368 ~~municipality is exercising its building laws or codes, without~~  
369 ~~the express consent of the governing body of that~~  
370 ~~municipality~~. The building laws and codes of the county  
371 commission may apply within the corporate limits of any  
372 municipality only with the express consent of the governing  
373 body of the municipality.

374 (4) The county commission may employ building  
375 inspectors to see that its laws or codes are not violated and  
376 that the plans and specifications for buildings are not in  
377 conflict with the ~~ordinances~~ laws and codes of the county and  
378 may exact fees to be paid by the owners of the property  
379 inspected.

380 (5) The county commission, by resolution, may  
381 discontinue its administration and enforcement of the building  
382 laws and codes. However, the discontinuation shall not take  
383 effect until 120 days after the resolution was adopted. The  
384 county commission shall provide a copy of the resolution to  
385 the board within 10 business days of adopting the resolution.

386 ~~(e)~~ (d) Utilizing the same authority and procedures as  
387 municipalities pursuant to Sections 11-53A-20 to 11-53A-26,  
388 inclusive, the county commission may condemn buildings, parts  
389 of buildings, or structures dangerous to the public and  
390 prohibit the use thereof and abate the same as a nuisance.

391 ~~(d)~~ (e) The county commissions, municipalities, and  
392 other public entities may enter into mutual agreements,



## HB198 Engrossed

393 compacts, and contracts for the administration and enforcement  
394 of their respective building laws and codes. A county  
395 commission or municipality shall provide a copy of the mutual  
396 agreement, compact, or contract to the board within 10  
397 business days of its execution.

398 (f) A county commission or municipality shall provide  
399 to the board a copy of any resolution, ordinance, or agreement  
400 adopted pursuant to Section 11-40-10(b)(2) within 10 business  
401 days of its adoption.

402 (g) Nothing in this section shall be construed to  
403 restrict the power of any county or municipality to adopt and  
404 enforce local building laws or codes that either comply with  
405 or exceed the minimum standards of the Alabama Residential  
406 Building Code; provided the local laws or codes are adopted or  
407 amended in accordance with this chapter."

408 "§34-14A-20

409 (a) The Alabama Construction Trade Academy Fund is  
410 established in the State Treasury. The fund shall be comprised  
411 of federal, state, and private funding through direct  
412 budgetary funding and grants for the expansion of construction  
413 trade education. To the extent practicable, monies in the fund  
414 shall be used to leverage other forms of funding from private  
415 sources. A percentage of matching funds, as established by the  
416 advisory council, must come from private, non-governmental  
417 sources. The board may not use more than 15 percent of the  
418 monies in the fund for administrative and operational costs  
419 incurred in the implementation and administration of this  
420 section. The board's statutory obligations pursuant to this





## HB198 Engrossed

421 chapter shall be contingent upon the appropriation of funding.

422 (b) The board, in cooperation with public and private  
423 sector partners, shall establish a program to provide funding  
424 mechanisms for tool grants, program incentives, supplies,  
425 mobile facilities, and other programs to support the  
426 development and continuation of construction trade education  
427 programs in the state.

428 (c) The board shall administer the program and ~~shall~~may  
429 apply for funds from federal grant programs and other  
430 applicable funding sources authorized by law.

431 (d) (1) The Alabama Construction Trade Advisory Council  
432 is established. The advisory council shall consist of the  
433 following members:

434 a. One member appointed by and currently serving on the  
435 Home Builders Licensure Board.

436 b. One member appointed by and currently serving on the  
437 State of Alabama Plumbers and Gas Fitters Examining Board.

438 c. One member appointed by and currently serving on the  
439 Licensing Board for General Contractors.

440 d. One member appointed by and currently serving on the  
441 State Board of Heating, Air Conditioning, and Refrigeration  
442 Contractors.

443 e. One member appointed by and currently serving on the  
444 Alabama Board of Electrical Contractors.

445 f. One appointee of the State Department of Education  
446 who specializes in technical trade education.

447 g. One appointee of the Alabama Community College  
448 System who specializes in technical trade education.



## HB198 Engrossed

449           (2) Members of the advisory council shall be appointed  
450 for a period of one year. Membership on the advisory council  
451 shall be without compensation, except for reimbursement of  
452 necessary travel expenses as is paid to state employees for  
453 attending meetings and other necessary events of the advisory  
454 council. Any expenses paid to a member of the advisory council  
455 shall be paid by the member's appointing authority.

456           (e) The advisory council shall make recommendations to  
457 the board, and the board shall establish program guidelines,  
458 promote the program statewide, evaluate applications for  
459 funds, distribute funds, and monitor and report the effect of  
460 the funding on the availability of construction trade  
461 education. The board may adopt rules to implement and  
462 administer this section.

463           (f) The advisory council shall recommend and the board  
464 shall establish monitoring and accountability mechanisms for  
465 projects receiving funding. Not later than the fifth  
466 legislative day of each regular legislative session, the board  
467 shall file a report to the Legislature on the projects funded,  
468 the geographic distribution of projects funded, the private  
469 sector participation rates in funded projects, the  
470 administrative costs of the program, and the outcomes of the  
471 program, including the number of students and adult learners  
472 trained by each project funded through the program.

473           (g) The advisory council shall recommend and the board  
474 shall create eligibility guidelines and provide project  
475 funding through an application process. Projects eligible for  
476 funding include the following:



## HB198 Engrossed

477 (1) Mobile demonstration units that show the various  
478 systems of a structure and how they interconnect.

479 (2) Tool and supply grants for public and private  
480 educational providers that provide construction trade  
481 education.

482 (3) Incentives for newly established construction trade  
483 education courses, with priority given to carpentry courses.

484 (4) Adult education initiatives that provide continued  
485 learning opportunities through mobile training facilities or  
486 distance learning opportunities with priority focus on those  
487 serving underserved areas and widely offered trainings.

488 (5) Any other proposal that in the opinion of the board  
489 would address the need for construction trade education in the  
490 state.

491 (h) An applicant may be a nonprofit organization,  
492 not-for-profit entity, public school system, two-year college,  
493 university, or other governmental entity. An applicant for  
494 funding shall do all of the following:

495 (1) Demonstrate its capacity to successfully implement  
496 the proposal.

497 (2) Demonstrate how the proposal shall positively  
498 impact construction trade education in the state.

499 (3) Demonstrate private sector support through matching  
500 funding.

501 (4) Establish an advisory council consisting of at  
502 least three active trade representatives from the construction  
503 trade being funded.

504 (5) For a period of not less than five years, agree to



## HB198 Engrossed

505 comply with the following conditions:

506 a. Offer the courses funded through this section for a  
507 period of not less than five years.

508 b. Comply with all data collection and reporting  
509 requirements established by the board.

510 (i) In determining which qualified projects to fund,  
511 the board shall consider all of the following factors:

512 (1) The level of private sector support for the  
513 project.

514 (2) The level of need in the area in which the funding  
515 is directed.

516 (3) The projected number of students that will be  
517 served.

518 (4) The degree to which the project will have a  
519 positive impact on the availability of construction trade  
520 education in the area to be served.

521 (5) The degree to which the project will leverage  
522 public and private sector funds.

523 (j) The board shall establish program guidelines that  
524 require matching funds on all funded projects. A minimum of 10  
525 percent of matching funds shall be provided by private,  
526 non-governmental sources. Total matching funds required may  
527 not be required to exceed 25 percent of awarded state funds,  
528 although additional consideration may be provided to projects  
529 that exceed this amount.

530 (k) In the event that a recipient of funding provided  
531 by this section fails to provide the proposed project in  
532 accordance with the guidelines set forth by the board, any



## HB198 Engrossed

533 equipment, supplies, or materials acquired with the funding  
534 shall be transferred to the Alabama Home Builders Foundation  
535 for redistribution to public or private programs that provide  
536 construction trade education to high school, postsecondary, or  
537 adult learners supported by this section.

538 (1) Any and all proceeds from the sale of equipment,  
539 supplies, or materials acquired through academy funding shall  
540 go into the fund."

541 Section 3. Sections 34-14A-12.1 and 34-14A-12.2 are  
542 added to the Code of Alabama 1975, to read as follows:

543 §34-14A-12.1

544 Beginning January 1, 2027, a residential home builder  
545 within this state who constructs, renovates, or repairs a  
546 residence or structure shall do so in accordance with the  
547 Alabama Residential Building Code adopted pursuant to Section  
548 34-14A-12 or, if applicable, the local jurisdiction's  
549 residential building code.

550 §34-14A-12.2

551 (a) Beginning on October 1, 2024, the Home Builders  
552 Licensure Board and any other state, municipal, or county  
553 governing body may not adopt or amend a building code,  
554 ordinance, resolution, or rule that would restrict a  
555 consumer's ability to elect to install, by the consumer's  
556 choice and for a fee, or require the installation of, a  
557 residential fire sprinkler system in any residence or  
558 structure as defined by this chapter.

559 (b) Notwithstanding subsection (a), a county commission  
560 or municipal governing body that adopted any ordinance,



## HB198 Engrossed

561 resolution, or other building code on or before March 9, 2010,  
562 relating to the installation of a residential fire sprinkler  
563 system, may continue to enforce or amend the ordinance,  
564 resolution, or building code.

565 Section 4. Article 2, commencing with Section  
566 34-14A-41, is added to Chapter 14A of Title 34, Code of  
567 Alabama 1975, to read as follows:

568 Article 2.

569 §34-14A-41

570 (a) (1) The Alabama Residential Building Code Division  
571 is established within the Home Builders Licensure Board. The  
572 executive director of the board may employ staff as necessary  
573 to carry out the duties of the division.

574 (2) The board and the division's statutory  
575 administration and enforcement obligations pursuant to this  
576 chapter shall be contingent upon the appropriation of funding.

577 (b) The division shall be responsible for taking action  
578 upon any and all recommendations made by the Alabama  
579 Residential Building Code Advisory Council and ratified by the  
580 board for the furtherance of its statutory purpose.

581 §34-14A-42

582 The executive director of the board may employ staff  
583 necessary to carry out the duties of the division, including a  
584 division administrator, programs support personnel,  
585 administrative support personnel, and any other personnel  
586 necessary to carry out the statutory purpose of the division  
587 for the administration, implementation, and enforcement of the  
588 Alabama Residential Building Code.



## HB198 Engrossed

589 §34-14A-43

590 (a) The division shall use funds distributed to the  
591 Alabama Residential Building Code Fund for the purpose of  
592 administrating and enforcing the Alabama Residential Building  
593 Code.

594 (b) Subject to availability of funds and upon request  
595 from a local jurisdiction, the division shall provide matching  
596 funds to local jurisdictions that have also applied for funds  
597 from federal grant programs and other applicable funding  
598 sources authorized by law to support local adoption and  
599 implementation of the Alabama Residential Building Code.

600 (c) The division shall work with the State Energy  
601 Office to ensure that all applicable federal regulations  
602 regarding the residential energy code are met.

603 §34-14A-44

604 (a) The Alabama Residential Building Code Fund is  
605 established within the State Treasury. The fund shall be  
606 administered by the board for the administration and operation  
607 of the division and the enforcement of the Alabama Residential  
608 Building Code.

609 (b) Receipts deposited into the fund shall be disbursed  
610 only by warrants of the state Comptroller drawn upon the State  
611 Treasury on itemized vouchers approved by the executive  
612 director of the board.

613 (c) No funds shall be withdrawn or expended except as  
614 budgeted and allotted according to Sections 41-4-80 to  
615 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and  
616 only in amounts as stipulated in the general appropriations



## HB198 Engrossed

617 act, other appropriation acts, or this section.

618 (d) At the end of each fiscal year, any unencumbered  
619 balance of up to 25 percent of the amount appropriated for  
620 that fiscal year shall not revert to the State General Fund  
621 under Section 41-4-93, but shall carry over to the next fiscal  
622 year within the Alabama Residential Building Code Fund, and  
623 any unencumbered balance over 25 percent of the amount  
624 appropriated for that fiscal year shall revert to the State  
625 General Fund.

626 Section 5. Article 6A, commencing with Section  
627 41-9-175, is added to Chapter 9 of Title 41, Code of Alabama  
628 1975, to read as follows:

629 Article 6A.

630 §41-9-175

631 (a) The Alabama Residential Building Code Advisory  
632 Council is established.

633 (b) The council shall consist of the following members:

634 (1) One member appointed by the Commissioner of  
635 Insurance to represent the largest domestic property and  
636 casualty provider in the state.

637 (2) The State Fire Marshal, or his or her designee.

638 (3) The Director of the Emergency Management Agency, or  
639 his or her designee.

640 (4) The Executive Director of the Home Builders  
641 Licensure Board, or his or her designee.

642 (5) One member appointed by the Home Builders Licensure  
643 Board.

644 (6) One member appointed by the State Board of Heating,





## HB198 Engrossed

645 Air Conditioning, and Refrigeration Contractors.

646 (7) One member appointed by the Governor to represent  
647 the private, investor-owned, electric utility industry.

648 (8) One member appointed by the Lieutenant Governor to  
649 represent the natural gas industry.

650 (9) One member appointed by the American Council of  
651 Engineering Companies of Alabama.

652 (10) One member appointed by the Alabama League of  
653 Municipalities.

654 (11) One member appointed by the Association of County  
655 Commissions of Alabama.

656 (12) One member appointed by the Alabama Council of the  
657 American Institute of Architects.

658 (13) One member appointed by the Home Builders  
659 Association of Alabama.

660 (14) One member appointed by the Code Officials  
661 Association of Alabama.

662 (15) One member appointed by the Commissioner of  
663 Insurance to represent the largest foreign property and  
664 casualty insurance provider in the state.

665 (16) One member appointed by the State of Alabama  
666 Plumbers and Gas Fitters Examining Board.

667 (17) One member appointed by the Alabama Rural Electric  
668 Association of Cooperatives to represent the rural electric  
669 cooperative industry.

670 (c) The appointing authorities shall coordinate their  
671 appointments to assure that membership of the council is  
672 inclusive and reflects the racial, gender, geographic, urban,



## HB198 Engrossed

673 rural, and economic diversity of the state.

674 (d) Each of the appointed members of the council shall  
675 be appointed for a six-year term, the term to begin on January  
676 1, 2025, and may be reappointed for a second six-year term  
677 pursuant to the appointing authority.

678 §41-9-175.01

679 (a) The first meeting of the council shall be called by  
680 the executive director of the board no later than March 1,  
681 2025. The executive director shall preside until a chair and a  
682 vice chair are selected by the council. The council shall  
683 elect from its own members a chair, a vice chair, and other  
684 officers as it may deem desirable.

685 (b) The council shall hold meetings at the call of the  
686 chair of the board or at the recommendation of the board to  
687 propose a recommended Alabama Residential Building Code to the  
688 Home Builders Licensure Board. Thereafter, the council shall  
689 meet from time to time, at the call of the chair of the board  
690 or at the request of the board, to consider updates and  
691 amendments to the code. Meetings shall be held at a time and  
692 place as designated or specified in its rules.

693 (c) A majority of the members of the council shall  
694 constitute a quorum at all of its meetings, and adoption or  
695 resolution of any business shall require the concurrence of a  
696 majority of all the members of the council. An agenda for the  
697 meetings in sufficient detail to indicate the terms on which  
698 final action is contemplated shall be submitted by the  
699 administrator to the chair, vice chair, and council members  
700 prior to the meeting.



## HB198 Engrossed

701 (d) All meetings of the council shall be held in  
702 accordance with the Alabama Open Meetings Act, Chapter 25A of  
703 Title 36.

704 (e) The administrator of the Alabama Residential  
705 Building Code Division shall serve as ex officio secretary of  
706 the council, keep a record of the proceedings of all council  
707 meetings, and perform other duties as may be directed by the  
708 council.

709 (f) The council may establish committees among its  
710 membership, as it deems necessary, to assist in the conduct of  
711 its business.

712 §41-9-175.02

713 (a) By October 1, 2025, the council shall submit to the  
714 Home Builders Licensure Board for adoption the proposed  
715 Alabama Residential Building Code. The board may adopt or  
716 amend the proposed minimum statewide residential building code  
717 prior to adoption.

718 (b) The proposed Alabama Residential Building Code, and  
719 any subsequent amendment to the code, shall be based upon a  
720 published edition of the Alabama Energy and Residential Code  
721 as adopted and amended from the International Residential Code  
722 (IRC) and the International Energy Conservation Code (IECC).  
723 Subsequent recommendations for adoptions or amendments to the  
724 Alabama Residential Building Code shall be based upon  
725 published editions of the IRC and IECC. In addition, the  
726 council shall take into consideration provisions for sealed  
727 roof decks and related roof construction standards contained  
728 in either the Coastal Construction Code Supplement or the



## HB198 Engrossed

729 Inland Construction Code Supplement as well as standards  
730 related to energy efficiency pertaining to residential  
731 construction.

732 (c) The council shall make recommendations with respect  
733 to all matters pertaining to the implementation of the Alabama  
734 Residential Building Code.

735 (d) When adopted by the board, recommendations of the  
736 council shall be administered by the division.

737 §41-9-175.03

738 (a) At the direction of the board, the council shall do  
739 all the following:

740 (1) Propose to the board for consideration of adoption  
741 of an Alabama Residential Building Code or amendments to the  
742 code.

743 (2) Evaluate, assess, advise, and counsel the division  
744 on the Alabama Residential Building Code and the impact of the  
745 code upon the economy and the environment.

746 (3) Solicit and enlist the cooperation of all  
747 appropriate private-sector and community-based organizations  
748 to implement this article.

749 (4) Make continuing studies, evaluations, and surveys,  
750 upon the request of the board, of the needs and impacts of the  
751 Alabama Residential Building Code.

752 (5) Adopt rules for the conduct of the council  
753 meetings, procedures, and execution of the purpose, functions,  
754 powers, and duties delegated to it by this section.

755 (6) Conduct a program of public information in order to  
756 inform the units of local government, residential home



## HB198 Engrossed

757 builders, and the residents of the state on the importance of  
758 the residential building code.

759 (7) Recommend to the board qualifications and  
760 certifications for third-party fee-based code inspectors.

761 Section 6. Sections 41-23-80, 41-23-81, 41-23-82,  
762 41-23-84, and 41-23-85, Code of Alabama 1975, are amended to  
763 read as follows:

764 "§41-23-80

765 The Legislature finds that the development, management,  
766 efficient consumption, and conservation of ~~residential~~ energy  
767 resources are of prime importance throughout this state and  
768 this nation. It is also important to ensure the protection of  
769 the economic and environmental values of Alabama's  
770 ~~citizens~~residents. It is the intent of the Legislature to do  
771 each of the following pursuant to this article:

772 (1) Encourage the conservation and efficient use of  
773 ~~residential~~ energy resources within this state's counties and  
774 municipalities.

775 (2) Provide a governmental environment that will  
776 promote an initiative for the implementation of the ~~Alabama~~  
777 ~~Energy and Residential Codes~~Alabama Commercial Energy Code by  
778 the units of local government.

779 (3) Advise and assist ~~the~~ units of local government in  
780 adopting the ~~Alabama Energy and Residential Codes~~Alabama  
781 Commercial Energy Code and implementing those code provisions  
782 within their boundaries.

783 (4) Promote the identification of energy management  
784 technologies available for ~~residential~~commercial uses, and ~~to~~



## HB198 Engrossed

785 disseminate information to the units of local government about  
786 such technologies and their uses.

787 (5) Promote the acceptance and adoption of those energy  
788 management technologies for use in all energy-consuming  
789 ~~residential~~commercial facilities throughout this state.

790 (6) Provide a process for the adoption of modern  
791 ~~building and~~ energy codes by the State of Alabama.

792 (7) Provide a process by which the State of Alabama  
793 shall adopt required commercial codes in compliance with  
794 federal law."

795 "§41-23-81

796 The following terms ~~shall~~ have the meanings  
797 respectively prescribed for them, except when the context  
798 otherwise requires:

799 (1) ~~ALABAMA ENERGY AND RESIDENTIAL CODES~~ALABAMA  
800 COMMERCIAL ENERGY CODE. The codes adopted by the board, as  
801 amended by the board, and based on the 2006 Edition of the  
802 International Energy Conservation Code, and ANSI/ASHRAE/IESNA  
803 Standard 90.1-2007 for commercial buildings, ~~and the 2006~~  
804 ~~International Residential Code published by the International~~  
805 ~~Code Council~~, or any subsequent editions, changes, or  
806 recom compilations thereof, or any other code which the board  
807 officially adopts.

808 (2) BOARD. The Alabama ~~Energy and Residential~~  
809 ~~Codes~~Commercial Energy Code Board created by this article.

810 (3) DEPARTMENT. The Alabama Department of Economic and  
811 Community Affairs.

812 (4) DIVISION. The Energy Division of the Alabama



## HB198 Engrossed

813 Department of Economic and Community Affairs.

814 (5) UNIT OF LOCAL GOVERNMENT. Any county or  
815 municipality within the State of Alabama."

816 "§41-23-82

817 (a) The Alabama ~~Energy and Residential Codes~~Commercial  
818 Energy Code Board is established.

819 (b) The board shall consist of ~~15~~13 members appointed  
820 by the Governor and two additional members, numbered ~~16~~14 and  
821 ~~17~~15, appointed by the Chair of the Permanent Joint  
822 Legislative Committee on Energy Policy. The members appointed  
823 by the Governor shall be legal residents of the state, and  
824 shall be selected on the basis of their representation of the  
825 following organizations, industries, entities, and  
826 professions:

827 ~~(1) One member shall represent the Home Builders~~  
828 ~~Association.~~

829 ~~(2)~~ (1) One member shall represent the Board of General  
830 Contractors.

831 ~~(3)~~ (2) One member shall represent the State Board of  
832 Heating, Air Conditioning, and Refrigeration.

833 ~~(4)~~ (3) One member shall represent the private,  
834 investor-owned, electric utility industry.

835 ~~(5)~~ (4) One member shall represent the rural electric  
836 cooperative industry.

837 ~~(6)~~ (5) One member shall represent the natural gas  
838 industry.

839 ~~(7)~~ (6) One member shall be a licensed professional  
840 engineer.



## HB198 Engrossed

841           ~~(8)~~ (7) One member shall represent municipalities.

842           ~~(9)~~ (8) One member shall represent county governments.

843           ~~(10)~~ (9) One member shall represent the Alabama Council,  
844 American Institute of Architects.

845           ~~(11)~~ (10) One member shall represent the Alabama  
846 Liquefied Petroleum Gas Board.

847           ~~(12)~~ (11) One member shall represent the International  
848 Code Council (ICC) Alabama Chapter, Code Officials Association  
849 of Alabama.

850           ~~(13) One member shall represent the Home Builders~~  
851 ~~Licensure Board.~~

852           ~~(14)~~ (12) One member shall represent the Alabama Joint  
853 Fire Council.

854           ~~(15)~~ (13) One member shall represent the Property and  
855 Casualty Insurance Industry.

856           ~~(16)~~ (14) One member shall be a Senate member of the  
857 Permanent Joint Legislative Committee on Energy Policy  
858 selected by the chair of the committee.

859           ~~(17)~~ (15) One member shall be a House of Representatives  
860 member of the Permanent Joint Legislative Committee on Energy  
861 Policy selected by the chair of the committee.

862           (c) Each member appointed by the Governor shall be  
863 selected from a list of three candidates provided to the  
864 Governor by the division from each entity listed above. Board  
865 appointees shall be selected on the basis of their interest in  
866 problems concerning ~~residential~~ commercial energy resources,  
867 consumption, and conservation, and without regard to political  
868 affiliation. Appointments shall be of such a nature as to aid





## HB198 Engrossed

869 the work of the board and to inspire the highest degree of  
870 coordination and cooperation. All members of the board shall  
871 be deemed members at-large charged with the responsibility of  
872 serving the best interests of the board, the division, the  
873 units of local government, and the state. No member shall act  
874 as the representative of any particular region, United States  
875 congressional district in Alabama, or state Senate or  
876 legislative district in Alabama.

877 (d) The board shall exercise authority with respect to  
878 all matters pertaining to the acceptance, adoption, and  
879 implementation of the Alabama ~~Energy and Residential~~  
880 ~~Codes~~Commercial Energy Code by the State of Alabama. Decisions  
881 of the board shall be administered by the chief of the  
882 division with the assistance of such other officers and  
883 department employees as are deemed necessary to carry out the  
884 purpose, functions, duties, and activities of the board.

885 (e) The membership of the board shall be inclusive and  
886 should reflect the racial, gender, geographic,  
887 ~~urban/rural~~urban, rural, and economic diversity of the state.

888 (f) This article shall not apply to the erection or  
889 construction of a farm structure. The term farm structure, for  
890 the purposes of this ~~act~~subsection, means a structure that is  
891 constructed on a farm, other than a residence or a structure  
892 attached to it, for use on the farm including, but not limited  
893 to, barns, sheds, and poultry houses. A farm structure does  
894 not include a structure originally qualifying as a farm  
895 structure but later converted to another use."

896 "§41-23-84



## HB198 Engrossed

897 (a) The first meeting of the board shall be called by  
898 the chief of the division as soon as is practicable after July  
899 31, 1995. The division chief shall preside until a chair and a  
900 vice chair are selected by the board. The board shall elect  
901 annually from its own members a chair, a vice chair, and such  
902 other officers as it may deem desirable, and shall adopt rules  
903 for its organization in the conduct of its business.

904 (b) The board shall hold a regular meeting at least  
905 once during each calendar year at a time and place as  
906 designated or specified in its rules. Special or additional  
907 meetings may be held on a call of the chair, upon a call  
908 signed by at least seven members, or upon a call by the  
909 division chief.

910 (c) A majority of the members of the board shall  
911 constitute a quorum at all its meetings, and adoption or  
912 resolution of any business shall require the concurrence of a  
913 majority of all the members of the board. An agenda for the  
914 meetings in sufficient detail to indicate the terms on which  
915 final action is contemplated shall be ~~mailed~~provided by the  
916 division chief to the chair, vice chair, and board members ~~at~~  
917 ~~least 30 days~~ prior to the meeting.

918 (d) The division chief shall serve as ex officio  
919 secretary of the board, and shall keep a record of the  
920 proceedings of all board meetings, ~~and~~ and perform ~~such~~ other  
921 duties as may be delegated by the board. The division chief  
922 shall not receive any additional compensation for the  
923 performance of those duties on the board or pursuant to this  
924 article.



## HB198 Engrossed

925 (e) The board may establish committees among its  
926 membership, ~~as it deems necessary,~~ to assist in the conduct of  
927 its business. Subcommittees shall include representation from  
928 suppliers or others interested in the subject matter assigned  
929 to the subcommittees, or both.

930 (f) All meetings of the board shall be held in  
931 accordance with the Alabama Open Meetings Act, Chapter 25A of  
932 Title 36."

933 "§41-23-85

934 (a) The board shall exercise authority with respect to  
935 all matters pertaining to the acceptance and adoption, and  
936 implementation of the Alabama ~~Energy and Residential Codes~~  
937 Commercial Energy Code by the State of Alabama. In so doing,  
938 the board may perform any of the following functions:

939 (1) Review, amend, and adopt the Alabama ~~Energy and~~  
940 ~~Residential Codes~~Commercial Energy Code. The board shall  
941 consider updates and changes to the codes referenced herein no  
942 less than two years after the date of publication of the most  
943 recent version of the codes.

944 (2) Evaluate, assess, advise, and counsel the division  
945 and the units of local government, on residential energy codes  
946 and the impact of those codes upon the economy and the  
947 environment.

948 (3) Solicit and enlist the cooperation of all  
949 appropriate private-sector and community-based organizations  
950 to implement the purpose of this article.

951 (4) Make recommendations to the division for the  
952 enactment of additional legislation as it deems necessary



## HB198 Engrossed

953 which proposes to further enhance the capabilities of the  
954 state and the units of local government in accepting,  
955 adopting, and implementing the Alabama ~~Energy and Residential~~  
956 ~~Codes~~Commercial Energy Code, and in meeting the need for  
957 increasing residential energy resources and conservation due  
958 to trends in residential population and the change in  
959 technical requirements of the economy.

960 (5) Make continuing studies, on its own initiative or  
961 upon the request of the division, of the residential energy  
962 resources, conservation, and consumption needs throughout the  
963 state, and issue those reports to the division and to the  
964 units of local government as may result from its studies.

965 (6) Submit to the chief of the division, on an annual  
966 basis, a written report covering the activities of the board.

967 (7) Make rules and regulations for the conduct of its  
968 board meetings, procedures, and execution of the purpose,  
969 functions, powers, and duties delegated to it by this article.

970 (8) Conduct a program of public information in order to  
971 inform the units of local government and the ~~citizens~~residents  
972 of the state on the importance of ~~residential and~~commercial  
973 energy codes, conservation, and consumption.

974 (9) Identify any and all resources needed or required  
975 for the board to implement the purpose, functions, powers, and  
976 duties of this article.

977 (b) The division shall be responsible for taking action  
978 upon any and all recommendations to which the board may from  
979 time to time submit.

980 (c) (1) Except as provided in this section, any code



## HB198 Engrossed

981 adopted by any state or county entity or agency after March 9,  
982 2010, shall not conflict with the codes adopted by the board.  
983 A county entity or agency may elect to amend the Alabama  
984 ~~Energy and Residential Codes~~Commercial Energy Code as local  
985 conditions require, but shall not make any amendment to  
986 mandate residential fire sprinklers or to provisions which are  
987 mandated or required by any federal law or federal regulation.

988 (2) As of March 9, 2010, any municipality ~~which~~ that  
989 does not have a code in effect adopted pursuant to Section  
990 11-45-8 shall not adopt any energy or residential code other  
991 than the Alabama Commercial Energy and Residential Codes  
992 adopted by the board or any newer versions thereof. Provided,  
993 however, a municipality may elect to amend the Alabama ~~Energy~~  
994 ~~and Residential Codes~~Commercial Energy Code as local  
995 conditions require, but shall not make any amendment to  
996 mandate residential fire sprinklers or to provisions which are  
997 mandated or required by any federal law or federal regulation.

998 (3) ~~Except as provided in subsection (d), nothing~~  
999 Nothing contained in this article shall apply to any  
1000 municipality with a code adopted pursuant to Section 11-45-8  
1001 in effect as of March 9, 2010, nor shall ~~it~~ anything in this  
1002 article prevent any such municipality from making any changes  
1003 or amendments to existing codes after March 9, 2010. Provided,  
1004 however, that a municipality shall not make any amendment to  
1005 provisions which are mandated by any federal law or federal  
1006 regulation.

1007 ~~(d) A municipal, county, or state governing entity or~~  
1008 ~~agency may not enact an ordinance, rule, bylaw, order,~~



## HB198 Engrossed

1009 ~~building code, or other legal device that would restrict a~~  
1010 ~~consumer's ability to elect to install, by the consumer's~~  
1011 ~~choice and for a fee, a residential fire sprinkler system in~~  
1012 ~~any new or existing one-family or two-family dwelling. A~~  
1013 ~~municipal, county, or state governing entity or agency may not~~  
1014 ~~enact an ordinance, rule, bylaw, order, building code, or~~  
1015 ~~other legal device that would require the installation of a~~  
1016 ~~residential fire sprinkler system in any new or existing~~  
1017 ~~one-family or two-family dwelling. Provided, however, all~~  
1018 ~~municipalities governed by subdivision (3) of subsection (c)~~  
1019 ~~which have enacted any ordinance, rule, bylaw, order, building~~  
1020 ~~code, or other legal device as of March 9, 2010, relating to~~  
1021 ~~the installation of a residential fire sprinkler system may~~  
1022 ~~continue to enforce or amend such ordinance, rule, bylaw,~~  
1023 ~~order, building code, or other legal device."~~

1024           Section 7. (a) A local building code adopted or  
1025 amended by any county or municipality after October 1, 2024,  
1026 shall meet the minimum standards of the Alabama Residential  
1027 Building Code in effect at the time of the local building code  
1028 adoption or amendment and shall not exceed the energy  
1029 provisions of the Alabama Residential Building Code, unless  
1030 compliance with any federal mandate requires such adoption or  
1031 amendment.

1032           (b) A county commission or municipality shall provide  
1033 to the board a copy of any resolution, ordinance, or agreement  
1034 adopted pursuant to Section 11-40-10(b)(2), Code of Alabama  
1035 1975, within 10 business days of its adoption.

1036           Section 8. This act shall become effective on October

**HB198 Engrossed**



1037 1, 2024.



**HB198 Engrossed**

1038  
1039  
1040

House of Representatives

1041 Read for the first time and referred .....20-Feb-24  
1042 to the House of Representatives  
1043 committee on County and Municipal  
1044 Government

1045  
1046 Read for the second time and placed .....28-Feb-24  
1047 on the calendar:  
1048 0 amendments

1049  
1050 Read for the third time and passed .....02-Apr-24  
1051 as amended

1052  
1053  
1054 Yeas 95, Nays 0, Abstains 4

1055  
1056 John Treadwell  
1057 Clerk  
1058