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SYNOPSIS:

Existing law provides the Home Builders Licensure Board with authority to adopt residential building codes and standards of practices for residential home builders within this state and allows county commissions and municipalities to adopt building laws and codes within their respective jurisdictions.

This bill would create the Alabama Residential Building Code Advisory Council to recommend an Alabama Residential Building Code, to be based upon the International Residential Code and the residential chapters of the International Energy Conservation Code, to be adopted by the Home Builders Licensure Board.

This bill would require counties and municipalities that enforce residential building laws or codes, when adopting new codes or amending existing codes, to adopt or amend the codes in accordance with the minimum standards set by the Alabama Residential Building Code.

This bill would require residential home builders in this state to build, renovate, and repair residences in accordance with the minimum standards set by the Alabama Residential Building Code.

This bill would establish the Alabama Residential Building Code Division within the Home Builders Licensure Board and provide for the authority and jurisdiction of the



29 division.

30 This bill would establish the Alabama Residential
31 Building Code Fund within the State Treasury and would provide
32 for the distribution of funds and administration thereof by
33 the Alabama Residential Building Code Division for purposes of
34 implementing the Alabama Residential Building Code.

35 This bill would allow the Alabama Residential Building
36 Code Division to provide funds for grants designed to promote
37 residential building code enforcement operations among local
38 jurisdictions.

39 This bill would also repeal the Alabama Energy and
40 Residential Codes Board within the Alabama Department of
41 Economic and Community Affairs and in lieu thereof would
42 establish the Alabama Commercial Energy Code Advisory
43 Committee to provide for the proposed recommendation of the
44 Alabama Commercial Energy Code to the Alabama Licensure Board
45 for General Contractors.

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47

48

A BILL

49

TO BE ENTITLED

50

AN ACT

51

52 Relating to building codes; to designate Sections
53 34-14A-1 through 34-14A-20 as Article 1 of Chapter 14A of
54 Title 34, Code of Alabama 1975; to amend Sections 34-14A-1,
55 34-14A-2, 34-14A-7, 34-14A-12, and 34-14A-20, Code of Alabama
56 1975, to provide for the establishment of the Alabama



57 Residential Building Code and its authority; to further
58 provide for the practice of residential home building; to
59 further provide for the duties of the Home Builders Licensure
60 Board; to add Sections 34-14A-12.1 and 34-14A-12.2 to the Code
61 of Alabama 1975, to add Article 2, commencing with Section
62 34-14A-41, to Chapter 14A of Title 34, Code of Alabama 1975,
63 to establish the Alabama Residential Building Code Division
64 within the Home Builders Licensure Board and provide for its
65 duties; to establish the Alabama Residential Building Code
66 Fund in the State Treasury and provide for its administration;
67 to add Article 3, commencing with Section 34-14A-80, to
68 Chapter 14A of Title 34, Code of Alabama 1975, to establish
69 the Alabama Residential Building Code Advisory Council and
70 provide for its membership and duties; to add Article 3,
71 commencing with Section 34-8-80, to Chapter 8 of Title 34,
72 Code of Alabama 1975, to establish the Alabama Commercial
73 Energy Code Advisory Committee within the State Licensing
74 Board for General Contractors and provide for its membership
75 and duties; to repeal Article 5, commencing with Section
76 41-23-80, of Chapter 23, Title 41, Code of Alabama 1975,
77 relating to the Alabama Energy and Residential Codes Board
78 within the Alabama Department of Economic and Community
79 Affairs; and to provide requirements for certain local
80 building codes adopted or amended after a date certain.

81 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

82 Section 1. Sections 34-14A-1 through 34-14A-20 are
83 designated as Article 1 of Chapter 14A, Title 34, Code of
84 Alabama 1975.



85 Section 2. Sections 34-14A-1, 34-14A-2, 34-14A-7,
86 34-14A-12, and 34-14A-20, Code of Alabama 1975, are amended to
87 read as follows:

88 "§34-14A-1

89 (a) In the interest of the public health, safety,
90 welfare, and consumer protection, and to regulate the home
91 building and private residence construction industry, the
92 purpose of this chapter, and the intent of the Legislature in
93 passing it, is ~~to~~:

94 (1) To provide for the licensure of ~~those~~ persons who
95 engage in home building, private residence construction, and
96 home improvement industries, including remodeling, ~~and to~~.
97 ~~provide home building standards~~

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

99 (3) To provide guidance, assistance, promotion, and
100 support for code inspections of residential construction. ~~and~~
101 ~~to~~

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

104 (b) The Legislature recognizes that the home building
105 and home improvement construction industries are significant
106 industries. ~~Home builders may pose significant~~ and that
107 significant harm to the public may result from the provision
108 of ~~when unqualified, incompetent, or dishonest home builders~~
109 ~~and remodelers provide~~ inadequate, unsafe, or inferior
110 building services by unqualified, incompetent, or dishonest
111 home builders and remodelers. The Legislature finds it
112 necessary to regulate the residential home building and home



113 improvement industries."

114 "§34-14A-2

115 As used in this chapter, the following terms ~~shall~~ have
116 the following meanings, respectively, unless the context
117 clearly indicates otherwise:

118 (1) ADVERTISING. Engaging or offering to engage in any
119 acts or services as a residential home builder by the act or
120 practice of offering for sale professional services by
121 promoting those services through print, radio or television
122 media, on billboards, through social media, through
123 promotional sponsorships, on vehicles, by the placement of
124 signs in front of ongoing or completed worksites, or by
125 displaying credentials, including licensure, to perform
126 residential home building.

127 (2) ALABAMA RESIDENTIAL BUILDING CODE. The code adopted
128 by the board, as amended by the board, and based on a
129 published edition of the International Residential Code, and
130 the residential chapters of a published edition of the
131 International Energy Conservation Code.

132 (3) APPLICABLE RESIDENTIAL BUILDING CODE. The Alabama
133 Residential Building Code or a local residential building code
134 adopted by a county or municipality, pursuant to this chapter,
135 where the construction, renovation, or repairs will take
136 place.

137 ~~(1) ADVISORY COUNCIL. The Alabama Construction Trade~~
138 ~~Advisory Council.~~

139 ~~(2)~~ (4) BOARD. The Home Builders Licensure Board.

140 ~~(3)~~ (5) COST OF THE UNDERTAKING. The total cost of the



141 materials, labor, supervision, overhead, and profit.

142 (6) COUNCIL. The Alabama Residential Building Code
143 Advisory Council.

144 (7) DIVISION. The Alabama Residential Building Code
145 Division.

146 ~~(4)~~ (8) HOMEOWNER. A person who owns and resides in or
147 intends to reside in a structure constructed or remodeled by a
148 licensee of the board, or who contracts with a licensee for
149 the purchase, construction, repair, improvement, or
150 reimprovement of a structure to be used as a residence.

151 ~~(5)~~ (9) IMPROVEMENT. Any site-built addition or
152 enhancement attached to or detached from a residence or
153 structure for use and enjoyment by the homeowner.

154 ~~(6)~~ (10) INACTIVE LICENSE. A license issued at the
155 request of a licensee, or a building official or a building
156 inspector, that is renewable, but that is not currently valid.

157 ~~(7)~~ (11) LICENSE. Any license issued by the board
158 pursuant to this chapter.

159 ~~(8)~~ (12) LICENSEE. A holder of any license issued
160 pursuant to this chapter.

161 ~~(9)~~ (13) PERSON. Any ~~natural person~~ individual, limited
162 or general partnership, corporation, association, limited
163 liability company, or other legal entity, or any combination
164 thereof.

165 ~~(10)~~ (14) QUALIFYING REPRESENTATIVE. The individual
166 designated by a general partnership, limited partnership,
167 corporation, limited liability company, or not-for-profit
168 organization applying for a license who either holds a license



169 individually or meets the experience and ability requirements
170 for licensure, and who is one of the following:

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

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

173 c. A member in the case of a member-managed limited
174 liability company.

175 d. A manager in the case of a manager-managed limited
176 liability company.

177 e. An individual who is affiliated with one of the
178 member entities of a limited liability company and who has
179 been identified and authorized through the operating agreement
180 to manage day-to-day operations as it relates to operations of
181 the limited liability company for purposes of licensure.

182 ~~(11)~~ (15) RESIDENCE. A single unit providing complete
183 independent residential living facilities for one or more
184 persons, including permanent provisions for living, sleeping,
185 eating, cooking, and sanitation.

186 ~~(12)~~ (16) RESIDENTIAL HOME BUILDER. A person who
187 constructs a residence or structure for sale or who, for a
188 fixed price, commission, fee, or wage, undertakes or offers to
189 undertake the construction or superintending of the
190 construction, or who manages, supervises, assists, or provides
191 consultation to a homeowner regarding the construction or
192 superintending of the construction, of any residence or
193 structure that is not over three floors in height and that
194 does not have more than four residential units, or the repair,
195 improvement, or reimprovement thereof, to be used by another
196 as a residence when the cost of the undertaking exceeds ten



197 thousand dollars (\$10,000). Notwithstanding the foregoing, the
198 term includes a residential roofer when the cost of the
199 undertaking exceeds two thousand five hundred dollars
200 (\$2,500). Nothing herein shall prevent any person from
201 performing these acts on his or her own residence or on his or
202 her other real estate holdings. Anyone who engages or offers
203 to engage in any acts described in this subdivision, through
204 advertising or otherwise, shall be deemed to have engaged in
205 the business of residential home building.

206 ~~(13)~~ (17) RESIDENTIAL ROOFER. A person who installs
207 products or repairs surfaces on the external upper covering of
208 a residence or structure that seals, waterproofs, or
209 weatherproofs the residence or structure.

210 ~~(14)~~ (18) STRUCTURE. A residence on a single lot,
211 including a site-built home, a condominium, a duplex or
212 multi-unit residential building consisting of not more than
213 four residential units, or any improvement thereto.

214 ~~(15)~~ (19) TRANSACTION. The act of entering into a
215 contract with a licensee to engage in the business of
216 residential home building."

217 "§34-14A-7

218 (a) Any residential home builder who desires to receive
219 a new or renewal license under this chapter shall make and
220 file with the board 30 days prior to the next meeting of the
221 board a written application on a form prescribed by the board.
222 Each applicant shall be a citizen of the United States or, if
223 not a citizen of the United States, a person who is legally
224 present in the United States with appropriate documentation



225 from the federal government. ~~Such~~The application shall be
226 accompanied by the payment of the annual license fee required
227 by the board. After the board accepts the application, the
228 applicant may be examined by the board at its next meeting.
229 The board, in examining the applicant, shall consider the
230 following qualifications of the applicant:

231 (1) Experience.

232 (2) Ability.

233 (3) Character.

234 (4) Business-related financial condition.

235 a. The board may require a financial statement on a
236 form prescribed by the board and a public records search
237 directly from a credit reporting agency.

238 b. The board may require a positive net worth or other
239 evidence of business-related financial condition sufficient to
240 reasonably satisfy the board of the applicant's financial
241 responsibility.

242 c. The board may require that business-related
243 judgments, judgment liens, and other perfected liens must be
244 satisfied and released.

245 d. Any information obtained by the board pursuant to
246 this subsection relating to the financial condition of an
247 applicant shall not be public information.

248 (5) Ability and willingness to serve the public and
249 conserve the public health and safety.

250 (6) Any other pertinent information the board may
251 require.

252 (b) (1) If the board finds the applicant qualified to



253 engage in residential home building in Alabama, the applicant
254 shall be issued a license. An applicant rejected by the board
255 shall be given an opportunity to be reexamined after a new
256 application has been filed and an additional application fee
257 paid.

258 (2) A record shall be made and preserved by the board
259 of each examination and the findings of the board pertaining
260 to the examination. A copy of the record shall be made
261 available to any applicant requesting it upon the payment of a
262 reasonable fee to the board.

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

265 (d) The board, by rule, may establish or adopt, or
266 both, education requirements and may approve, administer, or
267 financially support the program or programs providing
268 residential construction education.

269 (e) (1) Each licensee shall notify the board within 10
270 days after notice of the institution of any criminal
271 prosecution against him or her. The notification shall be in
272 writing, by certified mail, and shall include a copy of the
273 specific charge made together with a copy of the indictment,
274 information, or complaint, affidavit, and warrant making the
275 charges.

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



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

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

289 ~~(g)~~ (h) When any residential home building to be
290 performed will comply with a program designed to enhance the
291 resiliency of the structure beyond the requirements of the
292 applicable building codes, the licensee shall disclose this
293 compliance to the homeowner in writing prior to the
294 commencement of the residential home building.

295 ~~(h)~~ ~~(1)~~ (i) (1) Any licensee who desires to receive an
296 inactive license shall make and file with the board a written
297 application for an inactive license on a form prescribed by
298 the board prior to the expiration of his or her current
299 license. The application shall be accompanied by the payment
300 of the annual inactive license fee required by the board. No
301 act for which a license is required may be performed under an
302 inactive license. In the event a person holding a current
303 inactive license applies for a license, he or she may rely
304 upon his or her inactive license as evidence of the experience
305 and ability requirements for licensure under subdivisions (1)
306 and (2) of subsection (a).

307 (2) A person holding an expired license who seeks to
308 reactivate his or her license within three years of the date



309 of expiration shall be deemed to have satisfied the experience
310 and ability requirements for licensure if application is made
311 within the three-year time period and all other licensing
312 requirements pursuant to subsection (a) have been met.

313 (3) Any building official or building inspector who
314 desires to receive an inactive license shall make and file
315 with the board 30 days prior to the next meeting of the board
316 a written application for an inactive license on a form
317 prescribed by the board. After the board accepts the
318 application, the applicant may be examined by the board at its
319 next board meeting. The board, in examining the applicant,
320 shall consider the following qualifications of the applicant
321 as satisfying the experience and ability requirements for
322 licensure:

323 a. That the building inspector is an employee of the
324 United States, the State of Alabama, or any municipality,
325 county, or other political subdivision and, by virtue of that
326 employment, is exempted or prohibited by law from holding a
327 license; and

328 b. That the building inspector does any of the
329 following:

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

- 332 (i) Chief building official.
- 333 (ii) Deputy building official.
- 334 (iii) Building inspector.
- 335 (iv) Housing inspector.
- 336 (v) Design professional.



337 (vi) Plan reviewer.

338 2. Maintains current certification from the
339 International Code Council as one of the following:

340 (i) Certified building official.

341 (ii) Building inspector.

342 (iii) Residential building inspector.

343 (iv) Property maintenance and housing inspector.

344 (v) Building plans examiner.

345 (vi) Design professional.

346 3. Possesses sufficient building qualifications and
347 experience to receive a license, as demonstrated by
348 satisfactory evidence presented to the board.

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

354 "§34-14A-12

355 ~~(a) The board may establish or adopt residential~~
356 ~~building codes and standards of practice for residential home~~
357 ~~builders within the state. A residential building code or~~
358 ~~standard of practice adopted or established by the board does~~
359 ~~not supersede or otherwise exempt residential home builders~~
360 ~~from a local building law or code adopted by the governing~~
361 ~~body of a county or municipality or from a local or general~~
362 ~~law.~~

363 (a) The board shall have the sole authority to adopt
364 the following codes:



365 (1) The Alabama Residential Building Code, which shall
366 apply to all construction and improvements governed by this
367 chapter.

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

370 (b) (1) The Alabama Residential Building Code shall be
371 enforced by local jurisdictions that have permitting and
372 inspection programs for residential construction and
373 improvements that are adhered to by residential home builders.
374 The Alabama Residential Building Code shall not supersede any
375 local residential building code adopted by any county or
376 municipality in effect on January 1, 2027.

377 (2) The Alabama Residential Energy Code shall be
378 enforced by local jurisdictions that have adopted energy code
379 provisions for residential and commercial construction and
380 improvements. Provided however, provisions adopted by local
381 jurisdictions may not exceed those contained within the
382 Alabama Residential Energy Code.

383 (3) A local building code adopted by any county or
384 municipality after January 1, 2027, shall meet the minimum
385 standards of the Alabama Residential Building Code and the
386 Alabama Residential Energy Code in effect at the time of the
387 local building code adoption. The local building code may
388 amend the standards as local conditions require, but no such
389 adoption or amendment shall exceed the provisions of the
390 Alabama Residential Energy Code unless local conditions or
391 compliance with any federal mandate requires such adoption.

392 (4) Notwithstanding any other provision of law to the



393 contrary, the Alabama Residential Building Code does not apply
394 to any agricultural building except for any residence
395 contained therein.

396 ~~(b) (c) (1) The county commissions of the several~~
397 ~~counties~~ A county commission, by resolution, may adopt
398 building laws and codes ~~by ordinance which that~~ shall apply in
399 the unincorporated areas of the county. The county commission
400 shall provide a copy of any resolution adopted pursuant to
401 this subsection to the board within 10 business days of
402 adopting the resolution.

403 (2) A local building law or code adopted pursuant to
404 this subsection may not take effect until 120 days after the
405 resolution was adopted; provided, in the case of an insurance
406 claim requiring work and activities for which a license is
407 required by this chapter, the effective date for the building
408 law or code shall be the date of adoption by the local
409 jurisdiction.

410 ~~(3) The building laws and codes of the county~~
411 ~~commission shall not apply within any municipal police~~
412 ~~jurisdiction, in which that municipality is exercising its~~
413 ~~building laws or codes, without the express consent of the~~
414 ~~governing body of that municipality.~~ The building laws and
415 codes of the county commission may be enforced within a
416 municipality's police jurisdiction outside of the
417 municipality's corporate limits as provided in Section
418 11-40-10 (b) (2). The building laws and codes of the county
419 commission may apply within the corporate limits of any
420 municipality only with the express consent of the governing



421 body of the municipality.

422 (4) The county commission may employ building
423 inspectors to see that its laws or codes are not violated and
424 that the plans and specifications for buildings are not in
425 conflict with the ~~ordinances~~laws and codes of the county and
426 may exact fees to be paid by the owners of the property
427 inspected.

428 (5) The county commission, by resolution, may
429 discontinue its administration and enforcement of the building
430 laws and codes. However, the discontinuation shall not take
431 effect until 120 days after the resolution was adopted. The
432 county commission shall provide a copy of the resolution to
433 the board within 10 business days of adopting the resolution.

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

439 ~~(d)~~ (e) The county commissions, municipalities, and
440 other public entities may enter into mutual agreements,
441 compacts, and contracts for the administration and enforcement
442 of their respective building laws and codes. A county
443 commission or municipality shall provide a copy of the mutual
444 agreement, compact, or contract to the board within 10
445 business days of its execution.

446 (f) A county commission or municipality shall provide
447 to the board a copy of any resolution, ordinance, or agreement
448 adopted pursuant to Section 11-40-10(b)(2) within 10 business



449 days of its adoption.

450 (g) Nothing in this section shall be construed to
451 restrict the power of any county or municipality to adopt and
452 enforce local building laws or codes that either comply with
453 or exceed the minimum standards of the Alabama Residential
454 Building Code; provided the local laws or codes are adopted or
455 amended in accordance with this chapter."

456 "§34-14A-20

457 (a) The Alabama Construction Trade Academy Fund is
458 established in the State Treasury. The fund shall be comprised
459 of federal, state, and private funding through direct
460 budgetary funding and grants for the expansion of construction
461 trade education. To the extent practicable, monies in the fund
462 shall be used to leverage other forms of funding from private
463 sources. A percentage of matching funds, as established by the
464 advisory council, must come from private, non-governmental
465 sources. The board may not use more than 15 percent of the
466 monies in the fund for administrative and operational costs
467 incurred in the implementation and administration of this
468 section. The board's statutory obligations pursuant to this
469 chapter shall be contingent upon the appropriation of funding.

470 (b) The board, in cooperation with public and private
471 sector partners, shall establish a program to provide funding
472 mechanisms for tool grants, program incentives, supplies,
473 mobile facilities, and other programs to support the
474 development and continuation of construction trade education
475 programs in the state.

476 (c) The board shall administer the program and ~~shall~~may



477 apply for funds from federal grant programs and other
478 applicable funding sources authorized by law.

479 (d) (1) The Alabama Construction Trade Advisory Council
480 is established. The advisory council shall consist of the
481 following members:

482 a. One member appointed by and currently serving on the
483 Home Builders Licensure Board.

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

486 c. One member appointed by and currently serving on the
487 [State](#) Licensing Board for General Contractors.

488 d. One member appointed by and currently serving on the
489 State Board of Heating, Air Conditioning, and Refrigeration
490 Contractors.

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

493 f. One appointee of the State Department of Education
494 who specializes in technical trade education.

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

497 (2) Members of the advisory council shall be appointed
498 for a period of one year. Membership on the advisory council
499 shall be without compensation, except for reimbursement of
500 necessary travel expenses as is paid to state employees for
501 attending meetings and other necessary events of the advisory
502 council. Any expenses paid to a member of the advisory council
503 shall be paid by the member's appointing authority.

504 (e) The advisory council shall make recommendations to



505 the board, and the board shall establish program guidelines,
506 promote the program statewide, evaluate applications for
507 funds, distribute funds, and monitor and report the effect of
508 the funding on the availability of construction trade
509 education. The board may adopt rules to implement and
510 administer this section.

511 (f) The advisory council shall recommend and the board
512 shall establish monitoring and accountability mechanisms for
513 projects receiving funding. Not later than the fifth
514 legislative day of each regular legislative session, the board
515 shall file a report to the Legislature on the projects funded,
516 the geographic distribution of projects funded, the private
517 sector participation rates in funded projects, the
518 administrative costs of the program, and the outcomes of the
519 program, including the number of students and adult learners
520 trained by each project funded through the program.

521 (g) The advisory council shall recommend and the board
522 shall create eligibility guidelines and provide project
523 funding through an application process. Projects eligible for
524 funding include the following:

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

527 (2) Tool and supply grants for public and private
528 educational providers that provide construction trade
529 education.

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

532 (4) Adult education initiatives that provide continued



533 learning opportunities through mobile training facilities or
534 distance learning opportunities with priority focus on those
535 serving underserved areas and widely offered trainings.

536 (5) Any other proposal that in the opinion of the board
537 would address the need for construction trade education in the
538 state.

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

543 (1) Demonstrate its capacity to successfully implement
544 the proposal.

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

547 (3) Demonstrate private sector support through matching
548 funding.

549 (4) Establish an advisory council consisting of at
550 least three active trade representatives from the construction
551 trade being funded.

552 (5) For a period of not less than five years, agree to
553 comply with the following conditions:

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

556 b. Comply with all data collection and reporting
557 requirements established by the board.

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

560 (1) The level of private sector support for the



561 project.

562 (2) The level of need in the area in which the funding
563 is directed.

564 (3) The projected number of students that will be
565 served.

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

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

571 (j) The board shall establish program guidelines that
572 require matching funds on all funded projects. A minimum of 10
573 percent of matching funds shall be provided by private,
574 non-governmental sources. Total matching funds required may
575 not be required to exceed 25 percent of awarded state funds,
576 although additional consideration may be provided to projects
577 that exceed this amount.

578 (k) In the event that a recipient of funding provided
579 by this section fails to provide the proposed project in
580 accordance with the guidelines set forth by the board, any
581 equipment, supplies, or materials acquired with the funding
582 shall be transferred to the Alabama Home Builders Foundation
583 for redistribution to public or private programs that provide
584 construction trade education to high school, postsecondary, or
585 adult learners supported by this section.

586 (l) Any and all proceeds from the sale of equipment,
587 supplies, or materials acquired through academy funding shall
588 go into the fund."



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

591 §34-14A-12.1

592 Beginning January 1, 2027, a residential home builder
593 within this state who constructs, renovates, or repairs a
594 residence or structure shall do so in accordance with the
595 applicable residential building code adopted pursuant to
596 Section 34-14A-12 or, if applicable, the local jurisdiction's
597 residential building code.

598 §34-14A-12.2

599 (a) Beginning on October 1, 2024, the Home Builders
600 Licensure Board and any other state, municipal, or county
601 governing body may not adopt or amend a building code,
602 ordinance, resolution, or rule that would restrict a
603 consumer's ability to elect to install, by the consumer's
604 choice and for a fee, or require the installation of, a
605 residential fire sprinkler system in any residence or
606 structure as defined by this chapter.

607 (b) Notwithstanding subsection (a), a county commission
608 or municipal governing body that adopted any ordinance,
609 resolution, or other building code on or before March 9, 2010,
610 relating to the installation of a residential fire sprinkler
611 system, may continue to enforce or amend the ordinance,
612 resolution, or building code.

613 Section 4. Article 2, commencing with Section
614 34-14A-41, is added to Chapter 14A of Title 34, Code of
615 Alabama 1975, to read as follows:

616 Article 2.



617 §34-14A-41

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

622 (2) The board may coordinate with the state energy
623 office to identify and apply for funds from federal grant
624 programs and other applicable funding sources authorized by
625 law.

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

630 §34-14A-42

631 The executive director of the board may employ staff
632 necessary to carry out the duties of the division, including a
633 division administrator, programs support personnel,
634 administrative support personnel, and any other personnel
635 necessary to carry out the statutory purpose of the division
636 for the administration and implementation of the Alabama
637 Residential Building Code.

638 §34-14A-43

639 (a) The division shall use funds distributed to the
640 Alabama Residential Building Code Fund for the purpose of
641 administering the Alabama Residential Building Code.

642 (b) Subject to availability of funds and upon request
643 from a local jurisdiction, the division shall provide matching
644 funds to local jurisdictions that have also applied for funds



645 from federal grant programs and other applicable funding
646 sources authorized by law to support local adoption and
647 implementation of the Alabama Residential Building Code.

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

651 §34-14A-44

652 (a) The Alabama Residential Building Code Fund is
653 established within the State Treasury. The fund shall be
654 administered by the board for the administration and operation
655 of the division.

656 (b) Receipts deposited into the fund shall be disbursed
657 only by warrants of the state Comptroller drawn upon the State
658 Treasury on itemized vouchers approved by the executive
659 director of the board.

660 (c) No funds shall be withdrawn or expended except as
661 budgeted and allotted according to Sections 41-4-80 to
662 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and
663 only in amounts as stipulated in the general appropriations
664 act, other appropriation acts, or this section.

665 (d) At the end of each fiscal year, any unencumbered
666 balance of up to 25 percent of the amount appropriated for
667 that fiscal year shall not revert to the State General Fund
668 under Section 41-4-93, but shall carry over to the next fiscal
669 year within the Alabama Residential Building Code Fund, and
670 any unencumbered balance over 25 percent of the amount
671 appropriated for that fiscal year shall revert to the State
672 General Fund.



673 Section 5. Article 3, commencing with Section
674 34-14A-80, is added to Chapter 14A of Title 34, Code of
675 Alabama 1975, to read as follows:

676 Article 3.

677 §34-14A-80

678 (a) The Alabama Residential Building Code Advisory
679 Council is established.

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

681 (1) The State Fire Marshal, or his or her designee.

682 (2) The Director of the Emergency Management Agency, or
683 his or her designee.

684 (3) The Executive Director of the Home Builders
685 Licensure Board, or his or her designee.

686 (4) One member appointed by the Home Builders Licensure
687 Board.

688 (5) One member appointed by the State Board of Heating,
689 Air Conditioning, and Refrigeration Contractors.

690 (6) One member appointed by the State of Alabama
691 Plumbers and Gas Fitters Examining Board.

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

694 (8) One member appointed by the Governor to represent
695 the natural gas industry.

696 (9) One member appointed by the Governor to represent
697 the property and casualty insurance industry.

698 (10) One member appointed by the Governor to represent
699 the consumers of the state.

700 (11) One member appointed by the American Council of



701 Engineering Companies of Alabama.

702 (12) One member appointed by the Alabama League of
703 Municipalities.

704 (13) One member appointed by the Association of County
705 Commissions of Alabama.

706 (14) One member appointed by the Alabama Council of the
707 American Institute of Architects.

708 (15) One member appointed by the Home Builders
709 Association of Alabama.

710 (16) One member appointed by the Code Officials
711 Association of Alabama.

712 (17) One member appointed by the Alabama Rural Electric
713 Association of Cooperatives.

714 (c) Membership of the council shall be inclusive and
715 reflect the racial, gender, geographic, urban, rural, and
716 economic diversity of the state.

717 (d) The initial appointments shall begin January 1,
718 2025. Appointments shall be for a term of six years. Each
719 appointee may be reappointed for one second six-year term.
720 Each of the appointed members of the council shall be
721 appointed for a six-year term and may be reappointed for a
722 second six-year term.

723 §34-14A-81

724 (a) The first meeting of the council shall be called by
725 the executive director of the Home Builders Licensure Board no
726 later than March 1, 2025. The executive director shall preside
727 until a chair and a vice chair are selected by the council.
728 The council shall elect from its own members a chair, a vice



729 chair, and other officers as it may deem desirable.

730 (b) The council shall hold meetings at the call of the
731 chair of the council to propose a recommended Alabama
732 Residential Building Code to the Home Builders Licensure
733 Board. Thereafter, the council shall meet from time to time,
734 at the call of the chair of the council or at the request of
735 the executive director of the board, to consider updates and
736 amendments to the code. Meetings shall be held at a time and
737 place as designated or specified in its rules.

738 (c) A majority of the members of the council shall
739 constitute a quorum at all of its meetings, and adoption or
740 resolution of any business shall require the concurrence of a
741 majority of all members of the council. An agenda for the
742 meetings in sufficient detail to indicate the terms on which
743 final action is contemplated shall be submitted by the
744 administrator to the chair, vice chair, and council members
745 prior to the meeting.

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

749 (e) The administrator of the Alabama Residential
750 Building Code Division shall serve as ex officio secretary of
751 the council, keep a record of the proceedings of all council
752 meetings, and perform other duties as may be directed by the
753 council.

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



757 §34-14A-82

758 (a) By October 1, 2025, the council shall submit to the
759 Home Builders Licensure Board for adoption the proposed
760 Alabama Residential Building Code. The board may adopt or
761 reject the code as proposed by the council.

762 (b) The proposed Alabama Residential Building Code, and
763 any subsequent amendment to the code, shall be based upon a
764 published edition of the Alabama Energy and Residential Code
765 as adopted and amended from the International Residential Code
766 (IRC) and the International Energy Conservation Code (IECC).
767 Subsequent recommendations for adoptions or amendments to the
768 Alabama Residential Building Code shall be based upon
769 published editions of the IRC and IECC. In addition, the
770 council shall take into consideration provisions for sealed
771 roof decks and related roof construction standards contained
772 in either the Coastal Construction Code Supplement or the
773 Inland Construction Code Supplement as well as standards
774 related to energy efficiency pertaining to residential
775 construction.

776 (c) The council shall make recommendations with respect
777 to all matters pertaining to the implementation of the Alabama
778 Residential Building Code.

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

781 §34-14A-83

782 At the direction of the board, the council may perform
783 any of the following:

784 (1) Propose to the board for consideration of adoption



785 of an Alabama Residential Building Code and Alabama
786 Residential Energy Code or amendments to the codes.

787 (2) Evaluate, assess, advise, and counsel the division
788 on the Alabama Residential Building Code and Alabama
789 Residential Energy Code and the impact of the codes upon the
790 economy and the environment.

791 (3) Solicit and enlist the cooperation of all
792 appropriate private-sector and community-based organizations
793 to implement this article.

794 (4) Make continuing studies, evaluations, and surveys,
795 upon the request of the board, of the needs and impacts of the
796 Alabama Residential Building Code and Alabama Residential
797 Energy Code.

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

801 (6) Conduct a program of public information in order to
802 inform the units of local government, residential home
803 builders, and the residents of the state on the importance of
804 the residential building and energy codes.

805 (7) The council shall work with the state energy office
806 to review applicable federal regulations regarding the
807 residential energy codes and any amendments thereto, and upon
808 notification of any applicable federal regulation or law,
809 consider and review the most recent published version of the
810 Alabama Residential Building Code and Alabama Residential
811 Energy Code.

812 Section 6. Article 3, commencing with Section 34-8-50,



813 is added to Chapter 8 of Title 34, Code of Alabama 1975, to
814 read as follows:

815 Article 3.

816 §34-8-50

817 As used in this article, the following terms shall have
818 the following meanings:

819 (1) ALABAMA COMMERCIAL ENERGY CODE. The commercial
820 energy code adopted by the board, and any subsequent
821 amendments, editions, changes, or recompilations thereof.

822 (2) BOARD. The State Licensing Board for General
823 Contractors.

824 (3) COMMITTEE. The Alabama Commercial Energy Code
825 Advisory Committee.

826 (4) DIVISION. The Alabama Commercial Energy Code
827 Division established within the State Licensing Board for
828 General Contractors.

829 §34-8-51

830 (a) The Alabama Commercial Energy Code Division is
831 established within the State Licensing Board for General
832 Contractors.

833 (b) The division shall be responsible for administering
834 meetings of the Alabama Commercial Energy Code Advisory
835 Committee and advising the board on recommendations made by
836 the committee for adoption of the Alabama Commercial Energy
837 Code.

838 (c) The executive director of the board may employ
839 staff as necessary to carry out the duties of the division.

840 (d) The board may apply for funds from federal grant



841 programs and other applicable funding sources authorized by
842 law.

843 (e) The division and its duties shall expire upon
844 sunset of the board unless expressly reauthorized by the
845 Legislature.

846 §34-8-52

847 (a) The Alabama Commercial Energy Code Advisory
848 Committee is established within the Alabama Commercial Energy
849 Code Division of the State Licensing Board for General
850 Contractors.

851 (b) The committee shall consist of the following
852 members:

853 (1) The Commissioner of Insurance, or his or her
854 designee.

855 (2) The Director of the Division of Construction
856 Management within the Department of Finance, or his or her
857 designee.

858 (3) The State Fire Marshal, or his or her designee.

859 (4) One member appointed by the State Licensing Board
860 for General Contractors.

861 (5) One member appointed by the Alabama Board for
862 Registration of Architects.

863 (6) One member appointed by the Alabama Board of
864 Licensure for Professional Engineers and Professional Land
865 Surveyors.

866 (7) One member appointed by the Alabama Electrical
867 Contractors Board.

868 (8) One member appointed by the Alabama Board of



869 Heating, Air Conditioning, and Refrigeration Contractors.

870 (9) One member appointed by the Governor to represent
871 the private, investor-owned, electric utility industry.

872 (10) One member appointed by the Alabama Rural Electric
873 Association of Cooperatives.

874 (11) One member appointed by the Code Officials
875 Association of Alabama.

876 (12) One member appointed by the Alabama League of
877 Municipalities.

878 (13) One member appointed by the Association of County
879 Commissions of Alabama.

880 (c) The members appointed to the committee shall be
881 legal residents of the state and the appointing authorities
882 shall coordinate appointments to reflect the racial, gender,
883 geographic, urban, rural, and economic diversity of the state.

884 (d) Each member of the committee shall be appointed for
885 a five-year term, with initial terms to begin on January 1,
886 2025, and may be reappointed for a second five-year term.

887 §34-8-53

888 (a) The first meeting of the committee shall be called
889 by the executive director of the board as soon as practicable
890 after January 1, 2025. The executive director of the board, or
891 his or her designee, shall preside until a chair and a vice
892 chair are selected by the committee. The committee shall elect
893 annually from its own members a chair, a vice chair, and other
894 officers as it may deem desirable.

895 (b) The committee shall hold a regular meeting at least
896 once during each calendar year at a time and place designated



897 by the board or specified by the committee. Special or
898 additional meetings may be held upon the call of the chair, a
899 call signed by at least seven members, or the call of the
900 executive director of the board. All meetings of the committee
901 shall be held in accordance with the Alabama Open Meetings
902 Act, Chapter 25A of Title 36.

903 (c) A majority of the members of the committee shall
904 constitute a quorum at all meetings, and adoption or
905 resolution of any business shall require the concurrence of a
906 majority of all members of the committee.

907 (d) The committee may establish subcommittees among its
908 membership, as it deems necessary, to assist in the conduct of
909 its business.

910 (e) The committee may adopt bylaws for the conduct of
911 the meetings, procedures, and execution of the purpose,
912 functions, powers, and duties delegated to it by the board.

913 §34-8-54

914 The committee shall make recommendations to the board
915 with respect to the acceptance, adoption, and implementation
916 of the Alabama Commercial Energy Code. In so doing, the
917 committee may perform any of the following functions:

918 (1) Propose to the board for consideration of adoption
919 of an Alabama Commercial Energy Code or amendments to the code
920 no less than two years after the date of publication of the
921 most recent version of the code.

922 (2) Evaluate, assess, advise, and counsel the board or
923 division on the Alabama Commercial Energy Code and the impact
924 of the code upon the economy and the environment.



925 (3) Solicit and enlist the cooperation of all
926 appropriate private-sector and community-based organizations
927 for input and information to carry out its duties and
928 implement this article.

929 (4) Make continuing studies, evaluations, and surveys,
930 on its own initiative or upon the request of the board, of the
931 needs and impacts of the Alabama Commercial Energy Code.

932 (5) Make recommendations to the division for the
933 enactment of additional legislation or rules as it deems
934 necessary.

935 (6) Work with the State Energy Office to review
936 applicable federal regulations regarding the commercial energy
937 code.

938 §34-8-55

939 (a) By December 31, 2025, the committee shall submit to
940 the board for adoption the proposed Alabama Commercial Energy
941 Code. Thereafter, the committee shall review and propose
942 adoption of the code or amendments to the code no less than
943 two years after the date of publication of the most recent
944 version of the code.

945 (b) The proposed Alabama Commercial Energy Code, and
946 any amendments, changes, editions, or recom compilations thereof,
947 shall be based upon the most recent versions of the
948 International Energy Conservation Code (IECC) or the
949 ANSI/ASHRAE/IES Standard 90.1.

950 (c) The board shall review the proposed Alabama
951 Commercial Energy Code from the committee and publish the
952 final version of the Alabama Commercial Energy Code.



953 Section 7. Article 5, comprised of Sections 41-23-80
954 through 41-23-85, Code of Alabama 1975, relating to the
955 Alabama Energy and Residential Codes Board within the Alabama
956 Department of Economic and Community Affairs, is repealed.

957 Section 8. (a) A local building code adopted or amended
958 by any county or municipality after January 1, 2027, shall
959 meet the minimum standards of the Alabama Residential Building
960 Code in effect at the time of the local building code adoption
961 or amendment and shall not exceed the energy provisions of the
962 Alabama Residential Building Code, unless compliance with any
963 federal mandate requires such adoption or amendment.

964 (b) A county commission or municipality shall provide
965 to the board a copy of any resolution, ordinance, or agreement
966 adopted pursuant to Section 11-40-10(b)(2), Code of Alabama
967 1975, within 10 business days of its adoption.

968 Section 9. This act shall become effective on October
969 1, 2024.