

1 SB311
2 204636-1
3 By Senator Givhan
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 12-MAR-20

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8 SYNOPSIS: Existing law provides the Home Builders
9 Licensure Board with authority to adopt residential
10 building codes and standards of practices for
11 residential home builders within this state and
12 allows county commissions and municipalities to
13 adopt building laws and codes within their
14 respective jurisdictions.

15 This bill would create the Alabama
16 Residential Building Code Advisory Council to
17 recommend an Alabama Residential Building Code to
18 be based upon the International Residential Code to
19 be adopted by the Home Builders Licensure Board.

20 This bill would require counties and
21 municipalities that enforce residential building
22 laws or codes to comply with the minimum standards
23 set by the Alabama Residential Building Code.

24 This bill would require residential home
25 builders in this state to build, renovate, and
26 repair residences in accordance with the minimum

1 standards set by the Alabama Residential Building
2 Code.

3 This bill would establish the Alabama
4 Residential Building Code Division within the Home
5 Builders Licensure Board and provide the division
6 would enforce the Alabama Residential Building Code
7 in those areas where a municipality or county does
8 not enforce the code or a local building code.

9 This bill would establish the Alabama
10 Residential Building Code Fund for use by the
11 Alabama Residential Building Code Division for
12 purposes of administrative operations and
13 implementation of the Alabama Residential Building
14 Code and assisting local governments in the
15 implementation and enforcement of a local building
16 code.

17 This bill would also allow the Alabama
18 Residential Building Code Division to provide
19 matching funds for grants designed to promote
20 residential building code enforcement operations
21 among local jurisdictions.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to home building and home improvement; to
2 amend Section 27-2-39, Code of Alabama 1975, Sections
3 34-14A-1, 34-14A-2, and 34-14A-12, Code of Alabama 1975, as
4 last amended by Act 2019-482, 2019 Regular Session, and
5 Sections 34-14A-7 and 34-14A-13, Code of Alabama 1975, and
6 Section 2 of Act 2019-482, now appearing as Section 34-14A-20,
7 Code of Alabama 1975; to provide for the adoption of the
8 Alabama Residential Building Code for use in construction,
9 renovation, or repair of residences; to establish the Alabama
10 Residential Building Code Division within the Home Builders
11 Licensure Board; to establish and appropriate funds to the
12 Alabama Residential Building Code Fund for certain uses; and
13 to provide for the issuance of grant funds in certain cases.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 27-2-39, 34-14A-1, 34-14A-2,
16 34-14A-12, as last amended by Act 2019-482, 2019 Regular
17 Session, 34-14A-7, and 34-14A-13, Code of Alabama 1975, and
18 Section 2 of Act 2019-482, now appearing as Section 34-14A-20,
19 Code of Alabama 1975, are amended to read as follows:

20 "§27-2-39.

21 "(a) There is created a fund in the State Treasury
22 designated the "Insurance Department Fund" to be used for the
23 operation of the Department of Insurance. Receipts deposited
24 into this fund shall be disbursed only by warrants of the
25 state Comptroller drawn upon the State Treasury on itemized
26 vouchers approved by the Commissioner of Insurance. No funds
27 shall be withdrawn or expended except as budgeted and allotted

1 according to Sections 41-4-80 to 41-4-96, inclusive, and
2 41-19-1 to 41-19-12, inclusive, and only in amounts as
3 stipulated in the general appropriations act, other
4 appropriation acts, or this section. At the end of each fiscal
5 year, any unencumbered and unexpended balance of up to 25
6 percent of the amount appropriated for that fiscal year shall
7 not revert to the State General Fund under Section 41-4-93,
8 but shall carry over to the next fiscal year.

9 "(b) Notwithstanding any other provision of law, the
10 Commissioner of Insurance shall promptly pay all sums, fees,
11 taxes, licenses, renewals, and other miscellaneous charges
12 collected pursuant to Sections ~~10-4-111~~, 27-2-16, 27-3-29,
13 27-4-2, ~~27-7-7~~, ~~27-8-1~~, ~~27-8-5~~, 27-13-5, 27-13-24, 27-13-62,
14 27-21A-21, 27-34-6, 27-34-36, 27-34-47, and 27-39-6, ~~and~~
15 ~~27-39-7~~, other than those fines, penalties, and deposit
16 requirements collected pursuant to Section 27-3-29, ~~and other~~
17 ~~than those fees collected pursuant to Chapter 8A of Title 27~~
18 ~~for deposit into the Insurance Agents and Brokers Continuing~~
19 ~~Education Fund~~, into the State Treasury with ~~50~~ 45 percent
20 credited to the State General Fund, five percent credited to
21 the Alabama Residential Building Code Fund, and 50 percent
22 credited to the Insurance Department Fund."

23 "§34-14A-1.

24 "In the interest of the public health, safety,
25 welfare, and consumer protection and to regulate the home
26 building and private residence construction industry, the
27 purpose of this chapter, and the intent of the Legislature in

1 passing it, is to provide for the licensure of those persons
2 who engage in home building, private residence construction,
3 and home improvement industries, including remodeling, and to
4 ~~provide home building standards~~ establish an Alabama
5 Residential Building Code, and to provide guidance,
6 assistance, and support to local jurisdictions in adopting
7 residential building codes and establishing residential
8 permitting and inspection programs, and to support education
9 within the construction trades in the State of Alabama. The
10 Legislature recognizes that the home building and home
11 improvement construction industries are significant
12 industries. ~~Home builders may pose significant~~ Significant
13 harm to the public may result from the provision of when
14 ~~unqualified, incompetent, or dishonest home builders and~~
15 ~~remodelers provide~~ inadequate, unsafe, or inferior building
16 services by unqualified, incompetent, or dishonest home
17 builders and remodelers. The Legislature finds it necessary to
18 regulate the residential home building and home improvement
19 industries.

20 "§34-14A-2.

21 "As used in this chapter, the following terms shall
22 have the following meanings, respectively, unless the context
23 clearly indicates otherwise:

24 "(1) ADVERTISING. Engaging or offering to engage in
25 any acts described in Section 34-14A-8 by the act or practice
26 of offering for sale professional services by promoting those
27 services through print, radio or television media, on

1 billboards, through social media, through promotional
2 sponsorships, on vehicles, by the placement of signs in front
3 of ongoing or completed worksites, and by displaying
4 credentials, including licensure, to perform residential
5 homebuilding.

6 "(2) APPLICABLE RESIDENTIAL BUILDING CODE. The
7 Alabama Residential Building Code or a local residential
8 building code that meets the minimum standards of the Alabama
9 Residential Building Code which is adopted by the county or
10 municipality, as appropriate, where the construction,
11 renovation, or repairs will take place.

12 ~~"(1) ADVISORY COUNCIL. The Alabama Construction~~
13 ~~Trade Advisory Council.~~

14 ~~"(2)(3) BOARD. The Home Builders Licensure Board.~~

15 ~~"(3)(4) COST OF THE UNDERTAKING. The total cost of~~
16 ~~the materials, labor, supervision, overhead, and profit.~~

17 "(5) COUNCIL. The Alabama Residential Building Code
18 Advisory Council.

19 "(6) DIVISION. The Alabama Residential Building Code
20 Division.

21 ~~"(4)(7) HOMEOWNER. A person who owns and resides in~~
22 ~~or intends to reside in a structure constructed or remodeled~~
23 ~~by a licensee of the board, or who contracts with a licensee~~
24 ~~for the purchase, construction, repair, improvement, or~~
25 ~~reimprovement of a structure to be used as a residence.~~

1 "~~(5)~~(8) IMPROVEMENT. Any site-built addition or
2 enhancement attached to or detached from a residence or
3 structure for use and enjoyment by the homeowner.

4 "~~(6)~~(9) INACTIVE LICENSE. A license issued at the
5 request of a licensee, or a building official or a building
6 inspector, that is renewable, but that is not currently valid.

7 "~~(7)~~(10) LICENSE. Any license issued by the board
8 pursuant to this chapter.

9 "~~(8)~~(11) LICENSEE. A holder of any license issued
10 pursuant to this chapter.

11 "~~(9)~~(12) PERSON. Any natural person, limited or
12 general partnership, corporation, association, limited
13 liability company, or other legal entity, or any combination
14 thereof.

15 "~~(10)~~(13) QUALIFYING REPRESENTATIVE. The individual
16 designated by a general partnership, limited partnership,
17 corporation, limited liability company, or not-for-profit
18 organization applying for a license who either holds a license
19 individually or meets the experience and ability requirements
20 for licensure, and who is one of the following:

21 "a. A general partner in the case of any
22 partnership.

23 "b. An officer in the case of a corporation.

24 "c. A member in the case of a member-managed limited
25 liability company.

26 "d. A manager in the case of a manager-managed
27 limited liability company.

1 "~~(11)~~(14) RESIDENCE. A single unit providing
2 complete independent residential living facilities for one or
3 more persons, including permanent provisions for living,
4 sleeping, eating, cooking, and sanitation.

5 "~~(12)~~(15) RESIDENTIAL HOME BUILDER. A person who
6 constructs a residence or structure for sale or who, for a
7 fixed price, commission, fee, or wage, undertakes or offers to
8 undertake the construction or superintending of the
9 construction, or who manages, supervises, assists, or provides
10 consultation to a homeowner regarding the construction or
11 superintending of the construction, of any residence or
12 structure that is not over three floors in height and that
13 does not have more than four residential units, or the repair,
14 improvement, or reimprovement thereof, to be used by another
15 as a residence when the cost of the undertaking exceeds ten
16 thousand dollars (\$10,000). Notwithstanding the foregoing, the
17 term includes a residential roofer when the cost of the
18 undertaking exceeds two thousand five hundred dollars
19 (\$2,500). Nothing herein shall prevent any person from
20 performing these acts on his or her own residence or on his or
21 her other real estate holdings. Anyone who engages or offers
22 to engage in any acts described in this subdivision, through
23 advertising or otherwise, shall be deemed to have engaged in
24 the business of residential home building.

25 "~~(13)~~(16) RESIDENTIAL ROOFER. A person who installs
26 products or repairs surfaces on the external upper covering of

1 a residence or structure that seals, waterproofs, or
2 weatherproofs the residence or structure.

3 "~~(14)~~ (17) STRUCTURE. A residence on a single lot,
4 including a site-built home, a condominium, a duplex or
5 multi-unit residential building consisting of not more than
6 four residential units, or any improvement thereto.

7 "~~(15)~~ (18) TRANSACTION. The act of entering into a
8 contract with a licensee to engage in the business of
9 residential home building.

10 "§34-14A-7.

11 "(a) Any residential home builder who desires to
12 receive a new or renewal license under this chapter shall make
13 and file with the board 30 days prior to the next meeting of
14 the board a written application on a form prescribed by the
15 board. Each applicant shall be a citizen of the United States
16 or, if not a citizen of the United States, a person who is
17 legally present in the United States with appropriate
18 documentation from the federal government. Such application
19 shall be accompanied by the payment of the annual license fee
20 required by the board. After the board accepts the
21 application, the applicant may be examined by the board at its
22 next meeting. The board, in examining the applicant, shall
23 consider the following qualifications of the applicant:

24 "(1) Experience.

25 "(2) Ability.

26 "(3) Character.

27 "(4) Business-related financial condition.

1 "a. The board may require a financial statement on a
2 form prescribed by the board and a public records search
3 directly from a credit reporting agency.

4 "b. The board may require a positive net worth or
5 other evidence of business-related financial condition
6 sufficient to reasonably satisfy the board of the applicant's
7 financial responsibility.

8 "c. The board may require that business-related
9 judgments, judgment liens, and other perfected liens must be
10 satisfied and released.

11 "d. Any information obtained by the board pursuant
12 to this subsection relating to the financial condition of an
13 applicant shall not be public information.

14 "(5) Ability and willingness to serve the public and
15 conserve the public health and safety.

16 "(6) Any other pertinent information the board may
17 require.

18 "(b) (1) If the board finds the applicant qualified
19 to engage in residential home building in Alabama, the
20 applicant shall be issued a license. An applicant rejected by
21 the board shall be given an opportunity to be reexamined after
22 a new application has been filed and an additional application
23 fee paid.

24 "(2) A record shall be made and preserved by the
25 board of each examination and the findings of the board
26 pertaining to the examination. A copy of the record shall be

1 made available to any applicant requesting it upon the payment
2 of a reasonable fee to the board.

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

5 "(d) The board, by rule, may establish or adopt, or
6 both, education requirements and may approve, administer, or
7 financially support the program or programs providing
8 residential construction education.

9 "(e) (1) Each licensee shall notify the board within
10 10 days after notice of the institution of any criminal
11 prosecution against him or her. The notification shall be in
12 writing, by certified mail, and shall include a copy of the
13 specific charge made together with a copy of the indictment,
14 information, or complaint, affidavit, and warrant making the
15 charges.

16 "(2) Each licensee shall notify the board in writing
17 by certified mail within 10 days after he or she receives the
18 notice that any criminal verdict has been rendered against him
19 or her, or that a criminal action pending against him or her
20 has been dismissed.

21 "(f) Each licensee shall utilize a valid written
22 contract when engaging in the business of residential home
23 building.

24 "(g) Each licensee shall include a valid license
25 number issued by the board on all valid written contracts and
26 in any advertising.

1 "~~(g)~~ (h) When any residential home building to be
2 performed will comply with a program designed to enhance the
3 resiliency of the structure beyond the requirements of the
4 applicable building codes, the licensee shall disclose this
5 compliance to the homeowner in writing prior to the
6 commencement of the residential home building.

7 "~~(h)~~ ~~(1)~~ (i) (1) Any licensee who desires to receive an
8 inactive license shall make and file with the board a written
9 application for an inactive license on a form prescribed by
10 the board prior to the expiration of his or her current
11 license. The application shall be accompanied by the payment
12 of the annual inactive license fee required by the board. No
13 act for which a license is required may be performed under an
14 inactive license. In the event a person holding a current
15 inactive license applies for a license, he or she may rely
16 upon his or her inactive license as evidence of the experience
17 and ability requirements for licensure under subdivisions (1)
18 and (2) of subsection (a).

19 "(2) A person holding an expired license who seeks
20 to reactivate his or her license within three years of the
21 date of expiration shall be deemed to have satisfied the
22 experience and ability requirements for licensure if
23 application is made within the three-year time period and all
24 other licensing requirements pursuant to subsection (a) have
25 been met.

26 "(3) Any building official or building inspector who
27 desires to receive an inactive license shall make and file

1 with the board 30 days prior to the next meeting of the board
2 a written application for an inactive license on a form
3 prescribed by the board. After the board accepts the
4 application, the applicant may be examined by the board at its
5 next board meeting. The board, in examining the applicant,
6 shall consider the following qualifications of the applicant
7 as satisfying the experience and ability requirements for
8 licensure:

9 "a. That the building inspector is an employee of
10 the United States, the State of Alabama, or any municipality,
11 county, or other political subdivision and, by virtue of that
12 employment, is exempted or prohibited by law from holding a
13 license; and

14 "b. That the building inspector does any of the
15 following:

16 "1. Maintains current certification from the
17 Southern Building Code Congress International as one of the
18 following:

19 "(i) Chief building official.

20 "(ii) Deputy building official.

21 "(iii) Building inspector.

22 "(iv) Housing inspector.

23 "(v) Design professional.

24 "(vi) Plan reviewer.

25 "2. Maintains current certification from the
26 International Code Council as one of the following:

27 "(i) Certified building official.

- 1 "(ii) Building inspector.
- 2 "(iii) Residential building inspector.
- 3 "(iv) Property maintenance and housing inspector.
- 4 "(v) Building plans examiner.
- 5 "(vi) Design professional.

6 "3. Possesses sufficient building qualifications and
7 experience to receive a license, as demonstrated by
8 satisfactory evidence presented to the board.

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

14 "§34-14A-12.

15 "~~(a) The board may establish or adopt residential~~
16 ~~building codes and standards of practice for residential home~~
17 ~~builders within the state. A residential building code or~~
18 ~~standard of practice adopted or established by the board does~~
19 ~~not supersede or otherwise exempt residential home builders~~
20 ~~from a local building law or code adopted by the governing~~
21 ~~body of a county or municipality or from a local or general~~
22 ~~law.~~

23 "(a) (1) The board shall adopt the Alabama
24 Residential Building Code based on the International
25 Residential Building Code. The code shall be enforced by local
26 jurisdictions that have permitting and inspection programs for
27 residential construction, renovation, or repairs and adhered

1 to by residential home builders. The code does not supersede
2 or otherwise exempt residential home builders from a local
3 building code adopted by the governing body of a county or
4 municipality as long as the local building code meets the
5 minimum standards of the Alabama Residential Building Code.

6 "(2) This section shall be the sole statewide
7 statutory authority governing residential construction within
8 this state.

9 "(3) The Alabama Residential Building Code shall not
10 apply to any agricultural property except for a residence on
11 the property.

12 "(b) Beginning January 1, 2025, all residences
13 within this state that are constructed, renovated, or
14 repaired, shall be constructed, renovated, or repaired in
15 accordance with the minimum standards set forth in the
16 applicable residential building code. For those residences
17 subject to a mortgage, at time of completion, the mortgagor
18 shall submit to the lender the permit, all inspection reports,
19 and any required certificate of occupancy as proof that the
20 inspections required by the applicable residential building
21 code have been conducted. Nothing herein shall impose any duty
22 or obligation upon a lender to obtain permits and inspection
23 reports, impose liability of any type upon a lender who does
24 or does not obtain permits or inspection reports, or limit the
25 enforceability of the lender's mortgage.

26 ~~(b)~~ (c) The county commissions of the several
27 counties may adopt building laws and codes by ordinance which

1 shall apply in the unincorporated areas of the county. The
2 building laws and codes of the county commission shall not
3 apply within any municipal police jurisdiction, in which that
4 municipality is exercising its building laws or codes, without
5 the express consent of the governing body of that
6 municipality. The building laws and codes of the county
7 commission may apply within the corporate limits of any
8 municipality with the express consent of the governing body of
9 the municipality. The county commission may employ building
10 inspectors to see that its laws or codes are not violated and
11 that the plans and specifications for buildings are not in
12 conflict with the ordinances of the county and may exact fees
13 to be paid by the owners of the property inspected.

14 ~~"(c)~~ (d) Utilizing the same authority and procedures
15 as municipalities pursuant to Sections 11-53A-20 to 11-53A-26,
16 inclusive, the county commission may condemn buildings, parts
17 of buildings, or structures dangerous to the public and
18 prohibit the use thereof and abate the same as a nuisance.

19 ~~"(d)~~ (e) The county commissions, municipalities, and
20 other public entities may enter into mutual agreements,
21 compacts, and contracts for the administration and enforcement
22 of their respective building laws and codes.

23 "(f) (1) The Alabama Residential Building Code
24 Division is established within the Home Builders Licensure
25 Board.

26 "(2) The Alabama Residential Building Code Fund is
27 established within the State Treasury for the use of the

1 division. Receipts deposited into the fund shall be disbursed
2 only by warrants of the state Comptroller drawn upon the State
3 Treasury on itemized vouchers approved by the Executive
4 Director of the board. No funds shall be withdrawn or expended
5 except as budgeted and allotted according to Sections 41-4-80
6 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and
7 only in amounts as stipulated in the general appropriations
8 act, other appropriation acts, or this section. At the end of
9 each fiscal year, any unencumbered and unexpended balance
10 shall be transferred to the Strengthen Alabama Homes Fund.

11 "(3)a. The Alabama Residential Building Code
12 Advisory Council is established. The council shall submit a
13 proposed minimum statewide residential building code to the
14 board for adoption as the Alabama Residential Building Code.

15 "b. The proposed minimum statewide residential
16 building code submitted for adoption shall be based upon a
17 version of the International Residential Code (IRC) published
18 within two code cycles preceding the most recently published
19 version of the IRC and shall include the standards for sealed
20 roof decks and related roof construction standards contained
21 in either the Coastal Construction Code Supplement or the
22 Inland Construction Code Supplement as well as standards
23 related to energy efficiency pertaining to residential
24 construction.

25 "(4) The council shall consist of 15 members
26 appointed as provided in this section, plus the Commissioner
27 of Insurance and the State Fire Marshal, or their designees.

1 Thirteen members shall be appointed by the Governor, one
2 member shall be selected by the Speaker of the House of
3 Representatives, and one member shall be selected by the
4 President Pro Tempore of the Senate. The 13 members appointed
5 by the Governor shall be residents of the state, and shall be
6 selected on the basis of their representation of the following
7 organizations, industries, entities, and professions:

8 "a. One member shall represent the Home Builders
9 Licensure Board.

10 "b. One member shall represent the State Board of
11 Heating, Air Conditioning, and Refrigeration Contractors.

12 "c. One member shall represent the private,
13 investor-owned, electric utility industry.

14 "d. One member shall represent the natural gas
15 industry.

16 "e. One member shall be a licensed professional
17 engineer.

18 "f. One member shall represent municipalities.

19 "g. One member shall represent county governments.

20 "h. One member shall represent the Alabama Council
21 of the American Institute of Architects.

22 "i. One member shall represent the Home Builders
23 Association of Alabama.

24 "j. One member shall represent the International
25 Code Council Alabama Chapter, Code Officials of Alabama.

26 "k. One member shall represent the property and
27 casualty insurance industry.

1 "l. One member shall represent the State of Alabama
2 Plumbers and Gas Fitters Examining Board.

3 "m. One member shall represent the rural electric
4 cooperative industry.

5 "(5) The 13 members appointed by the Governor shall
6 be selected from a list of three candidates provided to the
7 Governor from each entity listed in subdivision (4).

8 Appointments shall be of such a nature as to aid the work of
9 the council and to inspire the highest degree of coordination
10 and cooperation. All members of the council shall be deemed
11 members at-large charged with the responsibility of serving
12 the best interests of the council, the division, the units of
13 local government, and the state. No member shall act as the
14 representative of any particular region, United States
15 congressional district in Alabama, or state legislative
16 district in Alabama.

17 "(6) The council shall make recommendations with
18 respect to all matters pertaining to the implementation of the
19 Alabama Residential Building Code. When adopted by the board,
20 recommendations of the council shall be administered by the
21 division.

22 "(7) The membership of the council shall be
23 inclusive and reflect the racial, gender, geographic,
24 cultural, and economic diversity of the state.

25 "(8) Each of the appointed members of the council
26 shall be selected for a five-year term, the term to begin on
27 the date of appointment of each member. Of the initial

1 appointees, however, the terms of membership shall be as
2 follows:

3 "a. Three members shall be appointed to serve for
4 one year.

5 "b. Three members shall be appointed to serve for
6 two years.

7 "c. Three members shall be appointed to serve for
8 three years.

9 "d. Three members shall be appointed to serve for
10 four years.

11 "e. Three members shall be appointed to serve for
12 five years.

13 "(9) The members of the council shall continue to
14 serve after the expiration of their terms until their
15 successors have been appointed and qualified. Any member may
16 be reappointed to serve on the council.

17 "(10) Vacancies on the council shall be filled by
18 appointment by the original appointing authority for the
19 unexpired term.

20 "(g) (1) The first meeting of the council shall be
21 called by the executive director of the board as soon as is
22 practicable after the effective date of the act adding this
23 amendatory language. The executive director shall preside
24 until a chair and a vice chair are selected by the council.
25 The council shall elect annually from its own members a chair,
26 a vice chair, and such other officers as it may deem

1 desirable, and shall adopt rules for its organization in the
2 conduct of its business.

3 "(2) The council shall hold a regular meeting at
4 least once during each calendar year at a time and place as
5 designated or specified in its rules. Special or additional
6 meetings may be held on the call of the chair, upon the call
7 signed by at least seven members, or upon the call by the
8 board.

9 "(3) A majority of the members of the council shall
10 constitute a quorum at all of its meetings, and adoption or
11 resolution of any business shall require the concurrence of a
12 majority of all the members of the council. An agenda for the
13 meetings in sufficient detail to indicate the terms on which
14 final action is contemplated shall be submitted by the
15 administrator to the chair, vice chair, and council members
16 prior to the meeting.

17 "(4) The administrator of the division shall serve
18 as ex officio secretary of the council, shall keep a record of
19 the proceedings of all council meetings, and perform such
20 other duties as may be directed by the council.

21 "(5) The council may establish committees among its
22 membership, as it deems necessary, to assist in the conduct of
23 its business. Committees shall include representation from
24 suppliers or others interested in the subject matter assigned
25 to the committees, or both.

1 "(h) All meetings of the council shall be held in
2 accordance with the Alabama Open Meetings Act, Chapter 25A of
3 Title 36. The council shall do the following:

4 "(1) Propose the adoption of a Alabama Residential
5 Building Code. The council shall consider updates and
6 amendments to the code no less than two years after the date
7 of publication of the most recent version of the code.

8 "(2) Evaluate, assess, advise, and counsel the
9 division and the units of local government on the Alabama
10 Residential Building Code and the impact of the code upon the
11 economy and the environment.

12 "(3) Solicit and enlist the cooperation of all
13 appropriate private-sector and community-based organizations
14 to implement the purpose of this section.

15 "(4) Make recommendations to the division and the
16 board for the enactment of additional legislation as it deems
17 necessary which proposes to further enhance the capabilities
18 of the state and the units of local government in accepting,
19 adopting, implementing, and enforcing the Alabama Residential
20 Building Code.

21 "(5) Make continuing studies, evaluations, and
22 surveys, on its own initiative or upon the request of the
23 board, of the needs and impacts of the Alabama Residential
24 Building Code to the units of local government, industry, and
25 consumers as may result from its studies.

26 "(6) Submit to the board, on an annual basis, a
27 written report covering the activities of the council to

1 include annual data of residential construction and permitting
2 and inspection activity.

3 "(7) Adopt rules for the conduct of the council
4 meetings, procedures, and execution of the purpose, functions,
5 powers, and duties delegated to it by this section.

6 "(8) Conduct a program of public information in
7 order to inform the units of local government, residential
8 home builders, and the residents of the state on the
9 importance of the residential building code.

10 "(9) Recommend qualifications and certification for
11 third party fee-based code inspectors.

12 "(i) The division shall be responsible for taking
13 action upon any and all recommendations made by the council
14 and ratified by the board for the furtherance of its statutory
15 purpose.

16 "(j) The funds allocated to the Alabama Residential
17 Building Code Fund shall be used by the division for purposes
18 of enforcement of the Alabama Residential Building Code in
19 those areas where a municipality or county does not permit or
20 license residential construction, renovation, or repair
21 including, but not limited to, the following:

22 "(1) Hiring staff, including, but not limited to,
23 the following:

24 "a. The division administrator.

25 "b. Programs support personnel.

26 "c. Administrative support personnel.

1 "d. Advisory personnel for purposes of advising the
2 council, division, board staff, and local governments
3 regarding implementation and enforcement of the Alabama
4 Residential Building Code.

5 "(2) Providing incentives to encourage local
6 residential building code adoption and enforcement including,
7 but not limited to, assisting with the development of local
8 government cooperatives for the permitting, inspection, and
9 enforcement of a residential building code in the respective
10 jurisdiction.

11 "(3) Providing standards and certification
12 requirements for private fee-based code inspectors, who would
13 perform the required inspections in those local jurisdictions
14 that have not implemented a residential building permit and
15 inspection program.

16 "(k) Nothing in this section shall be construed to
17 restrict the power of any county or municipality to adopt and
18 enforce local building laws or codes that either comply with
19 or exceed the minimum standards set forth in the Alabama
20 Residential Building Code.

21 "(l) Neither the council or any municipal, county,
22 or state governing entity or agency may enact or adopt an
23 ordinance, rule, bylaw, order, building code, or other legal
24 device that restricts a consumer's ability to elect to
25 install, by the consumer's choice and for a fee, a residential
26 fire sprinkler system in any residence. The council, any
27 municipal, county, or state governing entity or agency may not

1 enact or adopt an ordinance, rule, bylaw, order, building
2 code, or other legal device that would require the
3 installation of a residential fire sprinkler system in any
4 residence. A municipality that enacted or adopted any
5 ordinance, rule, bylaw, order, building code, or other legal
6 device on or before March 9, 2010, relating to the
7 installation of a residential fire sprinkler system may
8 continue to enforce or amend such ordinance, rule, bylaw,
9 order, building code, or other legal device.

10 "§34-14A-13.

11 "It is the duty of the building official, or other
12 authority charged with the duty, of issuing building or
13 similar permits, of any incorporated municipality or
14 subdivision of the municipality or county, to refuse to issue
15 a permit for any undertaking which would require a license
16 hereunder unless the applicant has furnished evidence that he
17 or she is either licensed as required by this chapter or is
18 exempt from the requirements of this chapter. The building
19 official, or other authority charged with the duty of issuing
20 building or similar permits, shall report to the board the
21 name and address of any person who, has violated this chapter.
22 When the board becomes aware of residential construction,
23 renovation, or repair that is not properly permitted, the
24 board shall notify the building official of the local
25 jurisdiction in which the residential construction,
26 renovation, or repair was done. Residential construction,
27 renovation, or repair that is not properly permitted shall

1 cease until compliance with the Alabama Residential Building
2 Code and any additional local requirements. Nothing contained
3 herein shall require a builder to pay license fees for
4 subcontractors who will be or were involved in the
5 construction for which the permit is being obtained as a
6 condition of the issuance of a building permit or the issuance
7 of a certificate of occupancy. The builder shall submit to the
8 issuing municipality if requested a list of the subcontractors
9 with correct physical address and phone numbers involved in
10 the construction project within 15 days of the issuance of the
11 building permit. Should the builder add any other
12 subcontractor to the project, the builder will submit the
13 subcontractor's name, address, and phone number to the
14 municipality within three working days of hiring. An updated
15 list of subcontractors shall be furnished by the builder
16 before the issuance of a certificate of occupancy by the
17 municipality.

18 "§34-14A-20.

19 "(a) The Alabama Construction Trade Academy Fund is
20 established in the State Treasury. The fund shall be comprised
21 of federal, state, and private funding through direct
22 budgetary funding and grants for the expansion of construction
23 trade education. To the extent practicable, monies in the fund
24 shall be used to leverage other forms of funding from private
25 sources. A percentage of matching funds, as established by the
26 advisory council, must come from private, non-governmental
27 sources. The board may not use more than 15 percent of the

1 monies in the fund for administrative and operational costs
2 incurred in the implementation and administration of this
3 section.

4 "(b) The board, in cooperation with public and
5 private sector partners, shall establish a program to provide
6 funding mechanisms for tool grants, program incentives,
7 supplies, mobile facilities, and other programs to support the
8 development and continuation of construction trade education
9 programs in the state.

10 "(c) The board shall administer the program and
11 ~~shall~~ may apply for funds from federal grant programs and
12 other applicable funding sources authorized by law.

13 "(d) (1) The Alabama Construction Trade Advisory
14 Council is established. The advisory council shall consist of
15 the following members:

16 "a. One member appointed by and currently serving on
17 the Home Builders Licensure Board.

18 "b. One member appointed by and currently serving on
19 the State of Alabama Plumbers and Gas Fitters Examining Board.

20 "c. One member appointed by and currently serving on
21 the Licensing Board for General Contractors.

22 "d. One member appointed by and currently serving on
23 the State Board of Heating, Air Conditioning, and
24 Refrigeration Contractors.

25 "e. One member appointed by and currently serving on
26 the Alabama Board of Electrical Contractors.

1 "f. One appointee of the State Department of
2 Education who specializes in technical trade education.

3 "g. One appointee of the Alabama Community College
4 System who specializes in technical trade education.

5 "(2) Members of the advisory council shall be
6 appointed for a period of one year. Membership on the advisory
7 council shall be without compensation, except for
8 reimbursement of necessary travel expenses as is paid to state
9 employees for attending meetings and other necessary events of
10 the advisory council. Any expenses paid to a member of the
11 advisory council shall be paid by the member's appointing
12 authority.

13 "(e) The advisory council shall make recommendations
14 to the board, and the board shall establish program
15 guidelines, promote the program statewide, evaluate
16 applications for funds, distribute funds, and monitor and
17 report the effect of the funding on the availability of
18 construction trade education. The board may adopt rules to
19 implement and administer this section.

20 "(f) The advisory council shall recommend and the
21 board shall establish monitoring and accountability mechanisms
22 for projects receiving funding. Not later than the fifth
23 legislative day of each regular legislative session, the board
24 shall file a report to the Legislature on the projects funded,
25 the geographic distribution of projects funded, the private
26 sector participation rates in funded projects, the
27 administrative costs of the program, and the outcomes of the

1 program, including the number of students and adult learners
2 trained by each project funded through the program.

3 "(g) The advisory council shall recommend and the
4 board shall create eligibility guidelines and provide project
5 funding through an application process. Projects eligible for
6 funding include the following:

7 "(1) Mobile demonstration units that show the
8 various systems of a structure and how they interconnect.

9 "(2) Tool and supply grants for public and private
10 educational providers that provide construction trade
11 education.

12 "(3) Incentives for newly established construction
13 trade education courses, with priority given to carpentry
14 courses.

15 "(4) Adult education initiatives that provide
16 continued learning opportunities through mobile training
17 facilities or distance learning opportunities with priority
18 focus on those serving underserved areas and widely offered
19 trainings.

20 "(5) Any other proposal that in the opinion of the
21 board would address the need for construction trade education
22 in the state.

23 "(h) An applicant may be a nonprofit organization,
24 not-for-profit entity, public school system, two-year college,
25 university, or other governmental entity. An applicant for
26 funding shall do all of the following:

1 "(1) Demonstrate its capacity to successfully
2 implement the proposal.

3 "(2) Demonstrate how the proposal shall positively
4 impact construction trade education in the state.

5 "(3) Demonstrate private sector support through
6 matching funding.

7 "(4) Establish an advisory council consisting of at
8 least three active trade representatives from the construction
9 trade being funded.

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

12 "a. Offer the courses funded through this section
13 for a period of not less than five years.

14 "b. Comply with all data collection and reporting
15 requirements established by the board.

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

18 "(1) The level of private sector support for the
19 project.

20 "(2) The level of need in the area in which the
21 funding is directed.

22 "(3) The projected number of students that will be
23 served.

24 "(4) The degree to which the project will have a
25 positive impact on the availability of construction trade
26 education in the area to be served.

1 "(5) The degree to which the project will leverage
2 public and private sector funds.

3 "(j) The board shall establish program guidelines
4 that require matching funds on all funded projects. A minimum
5 of 10 percent of matching funds shall be provided by private,
6 non-governmental sources. Total matching funds required may
7 not be required to exceed 25 percent of awarded state funds,
8 although additional consideration may be provided to projects
9 that exceed this amount.

10 "(k) In the event that a recipient of funding
11 provided by this section fails to provide the proposed project
12 in accordance with the guidelines set forth by the board, any
13 equipment, supplies, or materials acquired with the funding
14 shall be transferred to the Alabama Home Builders Foundation
15 for redistribution to public or private programs that provide
16 construction trade education to high school, postsecondary, or
17 adult learners supported by this section.

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

21 Section 2. There is appropriated to the Home
22 Builders Licensure Board from the Alabama Residential Building
23 Code Fund the sum of \$1,600,000 for the fiscal year ending
24 September 30, 2021.

25 Section 3. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

