

HB198 INTRODUCED



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



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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



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29 Builders Licensure Board and provide for the authority
30 and jurisdiction of the division.

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

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

41 This bill would also change the name of the
42 Alabama Energy and Residential Codes Board to the
43 Alabama Commercial Energy Code Board and would further
44 provide for the membership of the board.

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A BILL

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TO BE ENTITLED

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AN ACT

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



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57 provide for the practice of residential home building; to
58 further provide for the duties of the Home Builders Licensure
59 Board; to add Sections 34-14A-12.1 and 34-14A-12.2 to the Code
60 of Alabama 1975, to add Article 2, commencing with Section
61 34-14A-41, to Chapter 14A of Title 34, Code of Alabama 1975,
62 to establish the Alabama Residential Building Code Division
63 within the Home Builders Licensure Board and provide for its
64 duties; to establish the Alabama Residential Building Code
65 Fund in the State Treasury and provide for its administration;
66 to add Article 6A, commencing with Section 41-9-175, to
67 Chapter 9 of Title 41, Code of Alabama 1975, to establish the
68 Alabama Residential Building Code Advisory Council and provide
69 for its membership and duties; to amend Sections 41-23-80,
70 41-23-81, 41-23-82, 41-23-84, and 41-23-85, Code of Alabama
71 1975, to provide for the change of the name of the Alabama
72 Energy and Residential Codes Board to the Alabama Commercial
73 Energy Code Board and further provide for the membership of
74 the board; and to provide requirements for certain local
75 building codes adopted or amended after a date certain.

76 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

77 Section 1. Sections 34-14A-1 through 34-14A-20 are
78 designated as Article 1 of Chapter 14A, Title 34, Code of
79 Alabama 1975.

80 Section 2. Sections 34-14A-1, 34-14A-2, 34-14A-7,
81 34-14A-12, and 34-14A-20, Code of Alabama 1975, are amended to
82 read as follows:

83 "§34-14A-1

84 (a) In the interest of the public health, safety,



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85 welfare, and consumer protection, and to regulate the home
86 building and private residence construction industry, the
87 purpose of this chapter, and the intent of the Legislature in
88 passing it, is ~~to~~:

89 (1) To provide for the licensure of those persons who
90 engage in home building, private residence construction, and
91 home improvement industries, including remodeling, and to
92 ~~provide home building standards~~

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

94 (3) To provide guidance, assistance, promotion, and
95 support for code inspections of residential construction. ~~and~~
96 ~~to~~

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

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

109 "§34-14A-2

110 As used in this chapter, the following terms ~~shall~~ have
111 the following meanings, respectively, unless the context
112 clearly indicates otherwise:



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

122 (2) ALABAMA RESIDENTIAL BUILDING CODE. The code adopted
123 by the board, as amended by the board, and based on a
124 published edition of the International Residential Code, and
125 the residential chapters of a published edition of the
126 International Energy Conservation Code.

127 (3) APPLICABLE RESIDENTIAL BUILDING CODE. The Alabama
128 Residential Building Code or a local residential building code
129 adopted by a county or municipality, pursuant to this chapter,
130 where the construction, renovation, or repairs will take
131 place.

132 ~~(1) ADVISORY COUNCIL. The Alabama Construction Trade~~
133 ~~Advisory Council.~~

134 ~~(2)~~ (4) BOARD. The Home Builders Licensure Board.

135 ~~(3)~~ (5) COST OF THE UNDERTAKING. The total cost of the
136 materials, labor, supervision, overhead, and profit.

137 (6) COUNCIL. The Alabama Residential Building Code
138 Advisory Council.

139 (7) DIVISION. The Alabama Residential Building Code
140 Division.



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141 ~~(4)~~ (8) HOMEOWNER. A person who owns and resides in or
142 intends to reside in a structure constructed or remodeled by a
143 licensee of the board, or who contracts with a licensee for
144 the purchase, construction, repair, improvement, or
145 reimprovement of a structure to be used as a residence.

146 ~~(5)~~ (9) IMPROVEMENT. Any site-built addition or
147 enhancement attached to or detached from a residence or
148 structure for use and enjoyment by the homeowner.

149 ~~(6)~~ (10) INACTIVE LICENSE. A license issued at the
150 request of a licensee, or a building official or a building
151 inspector, that is renewable, but that is not currently valid.

152 ~~(7)~~ (11) LICENSE. Any license issued by the board
153 pursuant to this chapter.

154 ~~(8)~~ (12) LICENSEE. A holder of any license issued
155 pursuant to this chapter.

156 ~~(9)~~ (13) PERSON. Any ~~natural person~~ individual, limited
157 or general partnership, corporation, association, limited
158 liability company, or other legal entity, or any combination
159 thereof.

160 ~~(10)~~ (14) QUALIFYING REPRESENTATIVE. The individual
161 designated by a general partnership, limited partnership,
162 corporation, limited liability company, or not-for-profit
163 organization applying for a license who either holds a license
164 individually or meets the experience and ability requirements
165 for licensure, and who is one of the following:

- 166 a. A general partner in the case of any partnership.
167 b. An officer in the case of a corporation.
168 c. A member in the case of a member-managed limited



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169 liability company.

170 d. A manager in the case of a manager-managed limited
171 liability company.

172 e. An individual who is affiliated with one of the
173 member entities of a limited liability company and who has
174 been identified and authorized through the operating agreement
175 to manage day-to-day operations as it relates to operations of
176 the limited liability company for purposes of licensure.

177 ~~(11)~~ (15) RESIDENCE. A single unit providing complete
178 independent residential living facilities for one or more
179 persons, including permanent provisions for living, sleeping,
180 eating, cooking, and sanitation.

181 ~~(12)~~ (16) RESIDENTIAL HOME BUILDER. A person who
182 constructs a residence or structure for sale or who, for a
183 fixed price, commission, fee, or wage, undertakes or offers to
184 undertake the construction or superintending of the
185 construction, or who manages, supervises, assists, or provides
186 consultation to a homeowner regarding the construction or
187 superintending of the construction, of any residence or
188 structure that is not over three floors in height and that
189 does not have more than four residential units, or the repair,
190 improvement, or reimprovement thereof, to be used by another
191 as a residence when the cost of the undertaking exceeds ten
192 thousand dollars (\$10,000). Notwithstanding the foregoing, the
193 term includes a residential roofer when the cost of the
194 undertaking exceeds two thousand five hundred dollars
195 (\$2,500). Nothing herein shall prevent any person from
196 performing these acts on his or her own residence or on his or



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197 her other real estate holdings. Anyone who engages or offers
198 to engage in any acts described in this subdivision, through
199 advertising or otherwise, shall be deemed to have engaged in
200 the business of residential home building.

201 ~~(13)~~ (17) RESIDENTIAL ROOFER. A person who installs
202 products or repairs surfaces on the external upper covering of
203 a residence or structure that seals, waterproofs, or
204 weatherproofs the residence or structure.

205 ~~(14)~~ (18) STRUCTURE. A residence on a single lot,
206 including a site-built home, a condominium, a duplex or
207 multi-unit residential building consisting of not more than
208 four residential units, or any improvement thereto.

209 ~~(15)~~ (19) TRANSACTION. The act of entering into a
210 contract with a licensee to engage in the business of
211 residential home building."

212 "§34-14A-7

213 (a) Any residential home builder who desires to receive
214 a new or renewal license under this chapter shall make and
215 file with the board 30 days prior to the next meeting of the
216 board a written application on a form prescribed by the board.
217 Each applicant shall be a citizen of the United States or, if
218 not a citizen of the United States, a person who is legally
219 present in the United States with appropriate documentation
220 from the federal government. ~~Such~~ The application shall be
221 accompanied by the payment of the annual license fee required
222 by the board. After the board accepts the application, the
223 applicant may be examined by the board at its next meeting.
224 The board, in examining the applicant, shall consider the



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225 following qualifications of the applicant:

226 (1) Experience.

227 (2) Ability.

228 (3) Character.

229 (4) Business-related financial condition.

230 a. The board may require a financial statement on a
231 form prescribed by the board and a public records search
232 directly from a credit reporting agency.

233 b. The board may require a positive net worth or other
234 evidence of business-related financial condition sufficient to
235 reasonably satisfy the board of the applicant's financial
236 responsibility.

237 c. The board may require that business-related
238 judgments, judgment liens, and other perfected liens must be
239 satisfied and released.

240 d. Any information obtained by the board pursuant to
241 this subsection relating to the financial condition of an
242 applicant shall not be public information.

243 (5) Ability and willingness to serve the public and
244 conserve the public health and safety.

245 (6) Any other pertinent information the board may
246 require.

247 (b)(1) If the board finds the applicant qualified to
248 engage in residential home building in Alabama, the applicant
249 shall be issued a license. An applicant rejected by the board
250 shall be given an opportunity to be reexamined after a new
251 application has been filed and an additional application fee
252 paid.



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253 (2) A record shall be made and preserved by the board
254 of each examination and the findings of the board pertaining
255 to the examination. A copy of the record shall be made
256 available to any applicant requesting it upon the payment of a
257 reasonable fee to the board.

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

260 (d) The board, by rule, may establish or adopt, or
261 both, education requirements and may approve, administer, or
262 financially support the program or programs providing
263 residential construction education.

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

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

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



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

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

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

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

308 (3) Any building official or building inspector who



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309 desires to receive an inactive license shall make and file
310 with the board 30 days prior to the next meeting of the board
311 a written application for an inactive license on a form
312 prescribed by the board. After the board accepts the
313 application, the applicant may be examined by the board at its
314 next board meeting. The board, in examining the applicant,
315 shall consider the following qualifications of the applicant
316 as satisfying the experience and ability requirements for
317 licensure:

318 a. That the building inspector is an employee of the
319 United States, the State of Alabama, or any municipality,
320 county, or other political subdivision and, by virtue of that
321 employment, is exempted or prohibited by law from holding a
322 license; and

323 b. That the building inspector does any of the
324 following:

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

- 327 (i) Chief building official.
328 (ii) Deputy building official.
329 (iii) Building inspector.
330 (iv) Housing inspector.
331 (v) Design professional.
332 (vi) Plan reviewer.

333 2. Maintains current certification from the
334 International Code Council as one of the following:

- 335 (i) Certified building official.
336 (ii) Building inspector.



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337 (iii) Residential building inspector.

338 (iv) Property maintenance and housing inspector.

339 (v) Building plans examiner.

340 (vi) Design professional.

341 3. Possesses sufficient building qualifications and
342 experience to receive a license, as demonstrated by
343 satisfactory evidence presented to the board.

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

349 "§34-14A-12

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

358 (a) The board shall have the sole authority to adopt
359 the following codes:

360 (1) The Alabama Residential Building Code, which shall
361 apply to all construction and improvement governed by this
362 chapter.

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



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365 (b) (1) The Alabama Residential Building Code shall be
366 enforced by local jurisdictions that have permitting and
367 inspection programs for residential construction and
368 improvements that are adhered to by residential home builders.
369 The Alabama Residential Building Code does shall not supersede
370 any local residential building code adopted by any county or
371 municipality in effect on October 1, 2024.

372 (2) The Alabama Residential Energy Code shall be
373 enforced by local jurisdictions that have adopted energy code
374 provisions for residential and commercial construction and
375 improvements. Provided however, such provisions shall not
376 exceed those contained within the Alabama Residential Energy
377 Code.

378 (3) A local building code adopted or amended by any
379 county or municipality after October 1, 2024, shall meet the
380 minimum standards of the Alabama Residential Building Code in
381 effect at the time of the local building code adoption or
382 amendment and shall not exceed the Alabama Residential Energy
383 Code, unless compliance with any federal mandate requires such
384 adoption or amendment.

385 (4) Notwithstanding any other provision of law to the
386 contrary, the Alabama Residential Building Code does not apply
387 to any agricultural building except for any residence
388 contained therein.

389 ~~(b) (c) (1) The county commissions of the several~~
390 ~~counties~~ A county commission, by resolution, may adopt
391 building laws and codes ~~by ordinance which that~~ shall apply in
392 the unincorporated areas of the county. The county commission



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393 shall provide a copy of any resolution adopted pursuant to
394 this subsection to the board within 10 business days of
395 adopting the resolution.

396 (2) A local building law or code adopted pursuant to
397 this subsection may not take effect until 120 days after the
398 resolution was adopted; provided, in the case of an insurance
399 claim requiring work and activities for which a license is
400 required by this chapter, the effective date for the building
401 law or code shall be the date of adoption by the local
402 jurisdiction.

403 (3) ~~The~~ Except as provided in Section 11-40-10 (b) (2),
404 the building laws and codes of the county commission shall not
405 apply within any municipal police jurisdiction outside of the
406 corporate limits of the municipality, ~~in which that~~
407 ~~municipality is exercising its building laws or codes, without~~
408 ~~the express consent of the governing body of that~~
409 ~~municipality.~~ The building laws and codes of the county
410 commission may apply within the corporate limits of any
411 municipality only with the express consent of the governing
412 body of the municipality.

413 (4) The county commission may employ building
414 inspectors to see that its laws or codes are not violated and
415 that the plans and specifications for buildings are not in
416 conflict with the ~~ordinances~~ laws and codes of the county and
417 may exact fees to be paid by the owners of the property
418 inspected.

419 (5) The county commission, by resolution, may
420 discontinue its administration and enforcement of the building



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421 laws and codes. However, the discontinuation shall not take
422 effect until 120 days after the resolution was adopted. The
423 county commission shall provide a copy of the resolution to
424 the board within 10 business days of adopting the resolution.

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

430 ~~(d)~~ (e) The county commissions, municipalities, and
431 other public entities may enter into mutual agreements,
432 compacts, and contracts for the administration and enforcement
433 of their respective building laws and codes. A county
434 commission or municipality shall provide a copy of the mutual
435 agreement, compact, or contract to the board within 10
436 business days of its execution.

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

441 (g) Nothing in this section shall be construed to
442 restrict the power of any county or municipality to adopt and
443 enforce local building laws or codes that either comply with
444 or exceed the minimum standards of the Alabama Residential
445 Building Code; provided the local laws or codes are adopted or
446 amended in accordance with this chapter."

447 "§34-14A-20

448 (a) The Alabama Construction Trade Academy Fund is



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449 established in the State Treasury. The fund shall be comprised
450 of federal, state, and private funding through direct
451 budgetary funding and grants for the expansion of construction
452 trade education. To the extent practicable, monies in the fund
453 shall be used to leverage other forms of funding from private
454 sources. A percentage of matching funds, as established by the
455 advisory council, must come from private, non-governmental
456 sources. The board may not use more than 15 percent of the
457 monies in the fund for administrative and operational costs
458 incurred in the implementation and administration of this
459 section. The board's statutory obligations pursuant to this
460 chapter shall be contingent upon the appropriation of funding.

461 (b) The board, in cooperation with public and private
462 sector partners, shall establish a program to provide funding
463 mechanisms for tool grants, program incentives, supplies,
464 mobile facilities, and other programs to support the
465 development and continuation of construction trade education
466 programs in the state.

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

470 (d) (1) The Alabama Construction Trade Advisory Council
471 is established. The advisory council shall consist of the
472 following members:

473 a. One member appointed by and currently serving on the
474 Home Builders Licensure Board.

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



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

479 d. One member appointed by and currently serving on the
480 State Board of Heating, Air Conditioning, and Refrigeration
481 Contractors.

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

484 f. One appointee of the State Department of Education
485 who specializes in technical trade education.

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

488 (2) Members of the advisory council shall be appointed
489 for a period of one year. Membership on the advisory council
490 shall be without compensation, except for reimbursement of
491 necessary travel expenses as is paid to state employees for
492 attending meetings and other necessary events of the advisory
493 council. Any expenses paid to a member of the advisory council
494 shall be paid by the member's appointing authority.

495 (e) The advisory council shall make recommendations to
496 the board, and the board shall establish program guidelines,
497 promote the program statewide, evaluate applications for
498 funds, distribute funds, and monitor and report the effect of
499 the funding on the availability of construction trade
500 education. The board may adopt rules to implement and
501 administer this section.

502 (f) The advisory council shall recommend and the board
503 shall establish monitoring and accountability mechanisms for
504 projects receiving funding. Not later than the fifth



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505 legislative day of each regular legislative session, the board
506 shall file a report to the Legislature on the projects funded,
507 the geographic distribution of projects funded, the private
508 sector participation rates in funded projects, the
509 administrative costs of the program, and the outcomes of the
510 program, including the number of students and adult learners
511 trained by each project funded through the program.

512 (g) The advisory council shall recommend and the board
513 shall create eligibility guidelines and provide project
514 funding through an application process. Projects eligible for
515 funding include the following:

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

518 (2) Tool and supply grants for public and private
519 educational providers that provide construction trade
520 education.

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

523 (4) Adult education initiatives that provide continued
524 learning opportunities through mobile training facilities or
525 distance learning opportunities with priority focus on those
526 serving underserved areas and widely offered trainings.

527 (5) Any other proposal that in the opinion of the board
528 would address the need for construction trade education in the
529 state.

530 (h) An applicant may be a nonprofit organization,
531 not-for-profit entity, public school system, two-year college,
532 university, or other governmental entity. An applicant for



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533 funding shall do all of the following:

534 (1) Demonstrate its capacity to successfully implement
535 the proposal.

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

538 (3) Demonstrate private sector support through matching
539 funding.

540 (4) Establish an advisory council consisting of at
541 least three active trade representatives from the construction
542 trade being funded.

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

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

547 b. Comply with all data collection and reporting
548 requirements established by the board.

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

551 (1) The level of private sector support for the
552 project.

553 (2) The level of need in the area in which the funding
554 is directed.

555 (3) The projected number of students that will be
556 served.

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

560 (5) The degree to which the project will leverage



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561 public and private sector funds.

562 (j) The board shall establish program guidelines that
563 require matching funds on all funded projects. A minimum of 10
564 percent of matching funds shall be provided by private,
565 non-governmental sources. Total matching funds required may
566 not be required to exceed 25 percent of awarded state funds,
567 although additional consideration may be provided to projects
568 that exceed this amount.

569 (k) In the event that a recipient of funding provided
570 by this section fails to provide the proposed project in
571 accordance with the guidelines set forth by the board, any
572 equipment, supplies, or materials acquired with the funding
573 shall be transferred to the Alabama Home Builders Foundation
574 for redistribution to public or private programs that provide
575 construction trade education to high school, postsecondary, or
576 adult learners supported by this section.

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

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

582 §34-14A-12.1

583 Beginning January 1, 2027, a residential home builder
584 within this state who constructs, renovates, or repairs a
585 residence or structure shall do so in accordance with the
586 Alabama Residential Building Code adopted pursuant to Section
587 34-14A-12 or, if applicable, the local jurisdiction's
588 residential building code.



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589 §34-14A-12.2

590 (a) Beginning on October 1, 2024, the Home Builders
591 Licensure Board and any other state, municipal, or county
592 governing body may not adopt or amend a building code,
593 ordinance, resolution, or rule that would restrict a
594 consumer's ability to elect to install, by the consumer's
595 choice and for a fee, or require the installation of, a
596 residential fire sprinkler system in any residence or
597 structure as defined by this chapter.

598 (b) Notwithstanding subsection (a), a county commission
599 or municipal governing body that adopted any ordinance,
600 resolution, or other building code on or before March 9, 2010,
601 relating to the installation of a residential fire sprinkler
602 system, may continue to enforce or amend the ordinance,
603 resolution, or building code.

604 Section 4. Article 2, commencing with Section
605 34-14A-41, is added to Chapter 14A of Title 34, Code of
606 Alabama 1975, to read as follows:

607 Article 2.

608 §34-14A-41

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

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

616 (b) The division shall be responsible for taking action



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617 upon any and all recommendations made by the Alabama
618 Residential Building Code Advisory Council and ratified by the
619 board for the furtherance of its statutory purpose.

620 §34-14A-42

621 The executive director of the board may employ staff
622 necessary to carry out the duties of the division, including a
623 division administrator, programs support personnel,
624 administrative support personnel, and any other personnel
625 necessary to carry out the statutory purpose of the division
626 for the administration, implementation, and enforcement of the
627 Alabama Residential Building Code.

628 §34-14A-43

629 (a) The division shall use funds distributed to the
630 Alabama Residential Building Code Fund for the purpose of
631 administrating and enforcing the Alabama Residential Building
632 Code.

633 (b) Subject to availability of funds and upon request
634 from a local jurisdiction, the division shall provide matching
635 funds to local jurisdictions that have also applied for funds
636 from federal grant programs and other applicable funding
637 sources authorized by law to support local adoption and
638 implementation of the Alabama Residential Building Code.

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

642 §34-14A-44

643 (a) The Alabama Residential Building Code Fund is
644 established within the State Treasury. The fund shall be



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645 administered by the board for the administration and operation
646 of the division and the enforcement of the Alabama Residential
647 Building Code.

648 (b) Receipts deposited into the fund shall be disbursed
649 only by warrants of the state Comptroller drawn upon the State
650 Treasury on itemized vouchers approved by the executive
651 director of the board.

652 (c) No funds shall be withdrawn or expended except as
653 budgeted and allotted according to Sections 41-4-80 to
654 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and
655 only in amounts as stipulated in the general appropriations
656 act, other appropriation acts, or this section.

657 (d) At the end of each fiscal year, any unencumbered
658 balance of up to 25 percent of the amount appropriated for
659 that fiscal year shall not revert to the State General Fund
660 under Section 41-4-93, but shall carry over to the next fiscal
661 year within the Alabama Residential Building Code Fund, and
662 any unencumbered balance over 25 percent of the amount
663 appropriated for that fiscal year shall revert to the State
664 General Fund.

665 Section 5. Article 6A, commencing with Section
666 41-9-175, is added to Chapter 9 of Title 41, Code of Alabama
667 1975, to read as follows:

668 Article 6A.

669 §41-9-175

670 (a) The Alabama Residential Building Code Advisory
671 Council is established.

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



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673 (1) One member appointed by the Commissioner of
674 Insurance to represent the largest domestic property and
675 casualty provider in the state.

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

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

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

681 (5) One member appointed by the Home Builders Licensure
682 Board.

683 (6) One member appointed by the State Board of Heating,
684 Air Conditioning, and Refrigeration Contractors.

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

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

689 (9) One member appointed by the American Council of
690 Engineering Companies of Alabama.

691 (10) One member appointed by the Alabama League of
692 Municipalities.

693 (11) One member appointed by the Association of County
694 Commissions of Alabama.

695 (12) One member appointed by the Alabama Council of the
696 American Institute of Architects.

697 (13) One member appointed by the Home Builders
698 Association of Alabama.

699 (14) One member appointed by the Code Officials
700 Association of Alabama.



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701 (15) One member appointed by the Commissioner of
702 Insurance to represent the largest foreign property and
703 casualty insurance provider in the state.

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

706 (17) One member appointed by the Alabama Rural Electric
707 Association of Cooperatives to represent the rural electric
708 cooperative industry.

709 (c) The appointing authorities shall coordinate their
710 appointments to assure that membership of the council is
711 inclusive and reflects the racial, gender, geographic, urban,
712 rural, and economic diversity of the state.

713 (d) Each of the appointed members of the council shall
714 be appointed for a six-year term, the term to begin on January
715 1, 2025, and may be reappointed for a second six-year term
716 pursuant to the appointing authority.

717 §41-9-175.01

718 (a) The first meeting of the council shall be called by
719 the executive director of the board no later than March 1,
720 2025. The executive director shall preside until a chair and a
721 vice chair are selected by the council. The council shall
722 elect from its own members a chair, a vice chair, and other
723 officers as it may deem desirable.

724 (b) The council shall hold meetings at the call of the
725 chair of the board or at the recommendation of the board to
726 propose a recommended Alabama Residential Building Code to the
727 Home Builders Licensure Board. Thereafter, the council shall
728 meet from time to time, at the call of the chair of the board



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729 or at the request of the board, to consider updates and
730 amendments to the code. Meetings shall be held at a time and
731 place as designated or specified in its rules.

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

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

743 (e) The administrator of the Alabama Residential
744 Building Code Division shall serve as ex officio secretary of
745 the council, keep a record of the proceedings of all council
746 meetings, and perform other duties as may be directed by the
747 council.

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

751 §41-9-175.02

752 (a) By October 1, 2025, the council shall submit to the
753 Home Builders Licensure Board for adoption the proposed
754 Alabama Residential Building Code. The board may adopt or
755 amend the proposed minimum statewide residential building code
756 prior to adoption.



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

771 (c) The council shall make recommendations with respect
772 to all matters pertaining to the implementation of the Alabama
773 Residential Building Code.

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

776 §41-9-175.03

777 (a) At the direction of the board, the council shall do
778 all the following:

779 (1) Propose to the board for consideration of adoption
780 of an Alabama Residential Building Code or amendments to the
781 code.

782 (2) Evaluate, assess, advise, and counsel the division
783 on the Alabama Residential Building Code and the impact of the
784 code upon the economy and the environment.



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785 (3) Solicit and enlist the cooperation of all
786 appropriate private-sector and community-based organizations
787 to implement this article.

788 (4) Make continuing studies, evaluations, and surveys,
789 upon the request of the board, of the needs and impacts of the
790 Alabama Residential Building Code.

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

794 (6) Conduct a program of public information in order to
795 inform the units of local government, residential home
796 builders, and the residents of the state on the importance of
797 the residential building code.

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

800 Section 6. Sections 41-23-80, 41-23-81, 41-23-82,
801 41-23-84, and 41-23-85, Code of Alabama 1975, are amended to
802 read as follows:

803 "§41-23-80

804 The Legislature finds that the development, management,
805 efficient consumption, and conservation of ~~residential~~ energy
806 resources are of prime importance throughout this state and
807 this nation. It is also important to ensure the protection of
808 the economic and environmental values of Alabama's
809 ~~citizens~~residents. It is the intent of the Legislature to do
810 each of the following pursuant to this article:

811 (1) Encourage the conservation and efficient use of
812 ~~residential~~ energy resources within this state's counties and



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813 municipalities.

814 (2) Provide a governmental environment that will
815 promote an initiative for the implementation of the ~~Alabama~~
816 ~~Energy and Residential Codes~~Alabama Commercial Energy Code by
817 the units of local government.

818 (3) Advise and assist ~~the~~ units of local government in
819 adopting the ~~Alabama Energy and Residential Codes~~Alabama
820 Commercial Energy Code and implementing those code provisions
821 within their boundaries.

822 (4) Promote the identification of energy management
823 technologies available for ~~residential~~commercial uses, ~~and to~~
824 disseminate information to the units of local government about
825 such technologies and their uses.

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

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

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

834 "§41-23-81

835 The following terms ~~shall~~ have the meanings
836 respectively prescribed for them, except when the context
837 otherwise requires:

838 (1) ~~ALABAMA ENERGY AND RESIDENTIAL CODES~~ALABAMA
839 COMMERCIAL ENERGY CODE. The codes adopted by the board, as
840 amended by the board, and based on the 2006 Edition of the



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841 International Energy Conservation Code, and ANSI/ASHRAE/IESNA
842 Standard 90.1-2007 for commercial buildings, ~~and the 2006~~
843 ~~International Residential Code published by the International~~
844 ~~Code Council~~, or any subsequent editions, changes, or
845 recom compilations thereof, or any other code which the board
846 officially adopts.

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

849 (3) DEPARTMENT. The Alabama Department of Economic and
850 Community Affairs.

851 (4) DIVISION. The Energy Division of the Alabama
852 Department of Economic and Community Affairs.

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

855 "§41-23-82

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

858 (b) The board shall consist of ~~15~~13 members appointed
859 by the Governor and two additional members, numbered ~~16~~14 and
860 ~~17~~15, appointed by the Chair of the Permanent Joint
861 Legislative Committee on Energy Policy. The members appointed
862 by the Governor shall be legal residents of the state, and
863 shall be selected on the basis of their representation of the
864 following organizations, industries, entities, and
865 professions:

866 ~~(1) One member shall represent the Home Builders~~
867 ~~Association.~~

868 ~~(2)~~ (1) One member shall represent the Board of General



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869 Contractors.

870 ~~(3)~~ (2) One member shall represent the State Board of
871 Heating, Air Conditioning, and Refrigeration.

872 ~~(4)~~ (3) One member shall represent the private,
873 investor-owned, electric utility industry.

874 ~~(5)~~ (4) One member shall represent the rural electric
875 cooperative industry.

876 ~~(6)~~ (5) One member shall represent the natural gas
877 industry.

878 ~~(7)~~ (6) One member shall be a licensed professional
879 engineer.

880 ~~(8)~~ (7) One member shall represent municipalities.

881 ~~(9)~~ (8) One member shall represent county governments.

882 ~~(10)~~ (9) One member shall represent the Alabama Council,
883 American Institute of Architects.

884 ~~(11)~~ (10) One member shall represent the Alabama
885 Liquefied Petroleum Gas Board.

886 ~~(12)~~ (11) One member shall represent the International
887 Code Council (ICC) Alabama Chapter, Code Officials Association
888 of Alabama.

889 ~~(13) One member shall represent the Home Builders~~
890 ~~Licensure Board.~~

891 ~~(14)~~ (12) One member shall represent the Alabama Joint
892 Fire Council.

893 ~~(15)~~ (13) One member shall represent the Property and
894 Casualty Insurance Industry.

895 ~~(16)~~ (14) One member shall be a Senate member of the
896 Permanent Joint Legislative Committee on Energy Policy



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897 selected by the chair of the committee.

898 ~~(17)~~ (15) One member shall be a House of Representatives
899 member of the Permanent Joint Legislative Committee on Energy
900 Policy selected by the chair of the committee.

901 (c) Each member appointed by the Governor shall be
902 selected from a list of three candidates provided to the
903 Governor by the division from each entity listed above. Board
904 appointees shall be selected on the basis of their interest in
905 problems concerning ~~residential~~ commercial energy resources,
906 consumption, and conservation, and without regard to political
907 affiliation. Appointments shall be of such a nature as to aid
908 the work of the board and to inspire the highest degree of
909 coordination and cooperation. All members of the board shall
910 be deemed members at-large charged with the responsibility of
911 serving the best interests of the board, the division, the
912 units of local government, and the state. No member shall act
913 as the representative of any particular region, United States
914 congressional district in Alabama, or state Senate or
915 legislative district in Alabama.

916 (d) The board shall exercise authority with respect to
917 all matters pertaining to the acceptance, adoption, and
918 implementation of the Alabama ~~Energy and Residential~~
919 ~~Codes~~ Commercial Energy Code by the State of Alabama. Decisions
920 of the board shall be administered by the chief of the
921 division with the assistance of such other officers and
922 department employees as are deemed necessary to carry out the
923 purpose, functions, duties, and activities of the board.

924 (e) The membership of the board shall be inclusive and



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925 should reflect the racial, gender, geographic,
926 ~~urban/rural~~urban, rural, and economic diversity of the state.

927 (f) This article shall not apply to the erection or
928 construction of a farm structure. The term farm structure, for
929 the purposes of this ~~act~~subsection, means a structure that is
930 constructed on a farm, other than a residence or a structure
931 attached to it, for use on the farm including, but not limited
932 to, barns, sheds, and poultry houses. A farm structure does
933 not include a structure originally qualifying as a farm
934 structure but later converted to another use."

935 "§41-23-84

936 (a) The first meeting of the board shall be called by
937 the chief of the division as soon as is practicable after July
938 31, 1995. The division chief shall preside until a chair and a
939 vice chair are selected by the board. The board shall elect
940 annually from its own members a chair, a vice chair, and such
941 other officers as it may deem desirable, and shall adopt rules
942 for its organization in the conduct of its business.

943 (b) The board shall hold a regular meeting at least
944 once during each calendar year at a time and place as
945 designated or specified in its rules. Special or additional
946 meetings may be held on a call of the chair, upon a call
947 signed by at least seven members, or upon a call by the
948 division chief.

949 (c) A majority of the members of the board shall
950 constitute a quorum at all its meetings, and adoption or
951 resolution of any business shall require the concurrence of a
952 majority of all the members of the board. An agenda for the



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953 meetings in sufficient detail to indicate the terms on which
954 final action is contemplated shall be ~~mailed~~provided by the
955 division chief to the chair, vice chair, and board members ~~at~~
956 ~~least 30 days~~ prior to the meeting.

957 (d) The division chief shall serve as ex officio
958 secretary of the board, and shall keep a record of the
959 proceedings of all board meetings, ~~and~~ perform ~~such~~ other
960 duties as may be delegated by the board. The division chief
961 shall not receive any additional compensation for the
962 performance of those duties on the board or pursuant to this
963 article.

964 (e) The board may establish committees among its
965 membership, ~~as it deems necessary,~~ to assist in the conduct of
966 its business. Subcommittees shall include representation from
967 suppliers or others interested in the subject matter assigned
968 to the subcommittees, or both.

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

972 "§41-23-85

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

978 (1) Review, amend, and adopt the Alabama ~~Energy and~~
979 ~~Residential Codes~~Commercial Energy Code. The board shall
980 consider updates and changes to the codes referenced herein no



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981 less than two years after the date of publication of the most
982 recent version of the codes.

983 (2) Evaluate, assess, advise, and counsel the division
984 and the units of local government, on residential energy codes
985 and the impact of those codes upon the economy and the
986 environment.

987 (3) Solicit and enlist the cooperation of all
988 appropriate private-sector and community-based organizations
989 to implement the purpose of this article.

990 (4) Make recommendations to the division for the
991 enactment of additional legislation as it deems necessary
992 which proposes to further enhance the capabilities of the
993 state and the units of local government in accepting,
994 adopting, and implementing the Alabama ~~Energy and Residential~~
995 ~~Codes~~Commercial Energy Code, and in meeting the need for
996 increasing residential energy resources and conservation due
997 to trends in residential population and the change in
998 technical requirements of the economy.

999 (5) Make continuing studies, on its own initiative or
1000 upon the request of the division, of the residential energy
1001 resources, conservation, and consumption needs throughout the
1002 state, and issue those reports to the division and to the
1003 units of local government as may result from its studies.

1004 (6) Submit to the chief of the division, on an annual
1005 basis, a written report covering the activities of the board.

1006 (7) Make rules and regulations for the conduct of its
1007 board meetings, procedures, and execution of the purpose,
1008 functions, powers, and duties delegated to it by this article.



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1009 (8) Conduct a program of public information in order to
1010 inform the units of local government and the ~~citizens~~residents
1011 of the state on the importance of ~~residential and~~commercial
1012 energy codes, conservation, and consumption.

1013 (9) Identify any and all resources needed or required
1014 for the board to implement the purpose, functions, powers, and
1015 duties of this article.

1016 (b) The division shall be responsible for taking action
1017 upon any and all recommendations to which the board may from
1018 time to time submit.

1019 (c) (1) Except as provided in this section, any code
1020 adopted by any state or county entity or agency after March 9,
1021 2010, shall not conflict with the codes adopted by the board.
1022 A county entity or agency may elect to amend the Alabama
1023 ~~Energy and Residential Codes~~Commercial Energy Code as local
1024 conditions require, but shall not make any amendment to
1025 mandate residential fire sprinklers or to provisions which are
1026 mandated or required by any federal law or federal regulation.

1027 (2) As of March 9, 2010, any municipality ~~which~~ that
1028 does not have a code in effect adopted pursuant to Section
1029 11-45-8 shall not adopt any energy or residential code other
1030 than the Alabama Commercial Energy and Residential Codes
1031 adopted by the board or any newer versions thereof. Provided,
1032 however, a municipality may elect to amend the Alabama ~~Energy~~
1033 ~~and Residential Codes~~Commercial Energy Code as local
1034 conditions require, but shall not make any amendment to
1035 mandate residential fire sprinklers or to provisions which are
1036 mandated or required by any federal law or federal regulation.



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1037 (3) ~~Except as provided in subsection (d), nothing~~
1038 Nothing contained in this article shall apply to any
1039 municipality with a code adopted pursuant to Section 11-45-8
1040 in effect as of March 9, 2010, nor shall ~~it~~ anything in this
1041 article prevent any such municipality from making any changes
1042 or amendments to existing codes after March 9, 2010. Provided,
1043 however, that a municipality shall not make any amendment to
1044 provisions which are mandated by any federal law or federal
1045 regulation.

1046 ~~(d) A municipal, county, or state governing entity or~~
1047 ~~agency may not enact an ordinance, rule, bylaw, order,~~
1048 ~~building code, or other legal device that would restrict a~~
1049 ~~consumer's ability to elect to install, by the consumer's~~
1050 ~~choice and for a fee, a residential fire sprinkler system in~~
1051 ~~any new or existing one-family or two-family dwelling. A~~
1052 ~~municipal, county, or state governing entity or agency may not~~
1053 ~~enact an ordinance, rule, bylaw, order, building code, or~~
1054 ~~other legal device that would require the installation of a~~
1055 ~~residential fire sprinkler system in any new or existing~~
1056 ~~one-family or two-family dwelling. Provided, however, all~~
1057 ~~municipalities governed by subdivision (3) of subsection (c)~~
1058 ~~which have enacted any ordinance, rule, bylaw, order, building~~
1059 ~~code, or other legal device as of March 9, 2010, relating to~~
1060 ~~the installation of a residential fire sprinkler system may~~
1061 ~~continue to enforce or amend such ordinance, rule, bylaw,~~
1062 ~~order, building code, or other legal device."~~

1063 Section 7. (a) A local building code adopted or
1064 amended by any county or municipality after October 1, 2024,



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1065 shall meet the minimum standards of the Alabama Residential
1066 Building Code in effect at the time of the local building code
1067 adoption or amendment and shall not exceed the energy
1068 provisions of the Alabama Residential Building Code, unless
1069 compliance with any federal mandate requires such adoption or
1070 amendment.

1071 (b) A county commission or municipality shall provide
1072 to the board a copy of any resolution, ordinance, or agreement
1073 adopted pursuant to Section 11-40-10(b)(2), Code of Alabama
1074 1975, within 10 business days of its adoption.

1075 Section 8. This act shall become effective on October
1076 1, 2024.