State of Alabama
Board of Heating, Air Conditioning & Refrigeration Contractors

Code of Alabama, (1975), § 34-31-18 et seq.

SECTION 34-31-18 Definitions.

For the purposes of this chapter, the following terms have the following meanings:

(1) ADMINISTRATIVE PROCEDURE ACT. Chapter 22 of Title 41 and any rules adopted thereunder.

(2) BOARD. The State Board of Heating, Air Conditioning, and Refrigeration Contractors.

(3) CERTIFICATION or LICENSE. The process of testing to determine the knowledge and skill of an individual with respect to heating, air conditioning, and refrigeration."

(4) CERTIFIED HEATING AND AIR CONDITIONING CONTRACTOR. Any person engaged in the business of heating and air conditioning contracting and installation or service and repair.

(5) CERTIFIED REFRIGERATION CONTRACTOR. Any person engaged in the business of refrigeration contracting and servicing, installation, and repair.

(6) DUCT AIR TIGHTNESS TESTING CONTRACTOR. Any person engaged in the practice of testing and verifying duct air tightness in conjunction with the installation, service, or repair of a heating and air conditioning system.

(7) HEATING AND AIR CONDITIONING SYSTEM. A heating or cooling apparatus consisting of an air heating or cooling fixture from pipes, plenums, or blowers, including any accessory and equipment installed in connection within the system. The term does not include window units, automotive, or farm implement type heating or air conditioning equipment.

(8) INSTALLATION. The act of setting up or installing a heating and air conditioning system or refrigeration system for operation and use.

(9) PERSON. Includes an individual, firm, partnership, or corporation.

(10) REFRIGERATION. The use of mechanical or absorption equipment to control temperature, humidity, or both, in order to satisfy the intended use of a specific space, other than for human comfort.

(11) REFRIGERATION TRADE OR BUSINESS. Any individual or legal entity engaged in the installation, maintenance, servicing, and repairing of refrigerating machinery, equipment, devices, and components.

(12) REGULARLY EMPLOYED PERSON. An individual who meets all of the following conditions:

a. Is an actual employee of the business, not an independent contractor.

b. Works an average of 30 or more hours per week for the heating, air conditioning, or refrigeration business.

c. Is not paid as an independent contractor.

d. Receives a Form W-2, Wage and Tax Statement, for all earnings.

(13) RESPONSIBLE CHARGE. The direction of projects involving the installation or service and repair of heating, air conditioning, and refrigeration systems requiring initiation, professional skills, technical knowledge, and independent judgment.

(14) SERVICE AND REPAIR. The act of maintaining for operation a heating, air conditioning, or refrigeration system that has previously been installed, including parts replacement within a piece of equipment.

(Acts 1982, No. 82-547, p. 900, §3.1; Acts 1988, No. 88-217, p. 339, §3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2009-486, p. 879, §1; Act 2015-169, §1; Act 2024-310, §1.)

SECTION 34-31-19 Purpose.

The purpose of this chapter is to certify qualified contractors on a state-wide basis in order to protect the public by identifying those contractors who have the knowledge and ability to install or service and repair heating, air conditioning, and refrigeration systems.

(Acts 1982, No. 82-547, p. 900, §3.2; Acts 1988, No. 88-217, p. 339, §3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Act 2009-486, p. 879, §1.)

SECTION 34-31-20 Board of Heating, Air Conditioning, and Refrigeration Contractors - Creation; composition; transfer of property, etc.

(a) The Board of Heating and Air Conditioning Contractors as created by Act 82-547, 1982 Regular Session (Acts 1982, p. 900), is renamed the Board of Heating, Air Conditioning, and Refrigeration Contractors. The authority of the board is expanded to allow the board to examine, certify, and regulate heating, air conditioning, and refrigeration on a statewide basis.

(b) The board shall consist of 12 members, who shall be citizens of this state and who shall be subject to confirmation by the Senate. The seven initial appointments shall be effective as of July 1, 1982, as follows: One member shall be appointed by the Governor for an initial term of one year, and shall be a licensed professional engineer; one member shall be appointed by the Governor for an initial term of four years and shall be a heating and air conditioning contractor; one member shall be appointed by the Lieutenant Governor for an initial term of three years and shall be a trade representative of an equipment manufacturer or supplier; one member shall be appointed by the Governor for an initial term of three years and shall be a consumer from the general public; one member shall be appointed by the

Speaker of the House of Representatives for an initial term of two years and shall be a trade representative of the service, repair parts industry; one member shall be appointed by the Lieutenant Governor for an initial term of two years, and shall be a representative from county or local inspection services department; and one member shall be appointed by the Speaker of the House of Representatives for an initial term of three years, and shall be a consumer from the general public. Three additional members shall be appointed to serve four-year terms beginning on January 1, 2001. Each of these three additional members shall be heating and air conditioning or refrigeration contractors. One of these additional members shall be appointed by the Governor, one of these additional members shall be appointed by the Lieutenant Governor, and one of these additional members shall be appointed by the President Pro Tempore of the Senate. An additional two members, who shall be heating and air conditioning contractors, shall be appointed by the Speaker of the House of Representatives for initial terms of three years. Their successors, who shall be appointed by the same respective appointing authorities, and shall possess the same respective occupational qualifications, shall each serve not more than two consecutive terms of office of four years each and until their successors are appointed and qualified. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) All moneys, equipment, and property of the board created pursuant to Sections 34-31-1 through 34-31-17, inclusive, shall, effective July 1, 1982, be transferred to the board created in subsection (a). The board shall pay all money received under this chapter to the State Treasurer, who shall keep the money in a separate fund for the board. All money remaining at the end of the fiscal year which exceeds 25 percent of the board's budget for the previous year shall be transferred to the 501(c)(3) nonprofit Alabama Home Builders Foundation to be used exclusively for classroom training tools at educational facilities that provide heating, air conditioning and/or refrigeration curriculums to include any program approved or accredited by the State of Alabama, United States federal government, or any state or federal governmental agency or board. If, at any time, the Alabama Home Builders Foundation should lose its nonprofit status, those funds shall be transferred to the State General Fund.

(Acts 1982, No. 82-547, p. 900, §3.3; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, §1; Acts 1988, No. 88-217, p. 339, §3; Acts 1996, No. 96-748, p. 1318, §3; Act 2000-745, p. 1658, §1; Act 2004-67, p. 82, §3; Act 2008-130, p. 187, §3; Act 2009-486, p. 879, §1; Act 2015-169, §1.)

SECTION 34-31-21 Board of Heating, Air Conditioning, and Refrigeration Contractors - Officers; meetings; power and duties.

(a) The board shall elect from among its members a chairman, vice-chairman, and a secretary. The board may hire an executive director to serve at the pleasure of the board. The board may require the executive director to perform the duties required by this section and any other tasks required by the board. The board shall set the salary of the executive director. The executive director, with the consent of the board, may employ a deputy director who shall serve at the pleasure of the executive director. The salary and compensation for the deputy director shall be set by the board and shall not exceed the salary set for the executive director.

(b) The chairman shall preside over meetings of the board. The vice-chairman shall preside over meetings of the board in the absence of the chairman. The chairman shall designate another member to preside in the absence of the chairman and vice-chairman.

(c) The secretary or, if directed by the board, the executive director shall perform the following tasks:

(1) Keep all minutes, books, records, and files of the board.

(2) Issue all certificates in the name of the board.

(3) Send all notices and attend to all correspondence directed by the board.

(4) Receive and deposit all fees.

(5) Perform all incidental duties of the office as directed by the board.

(d) The secretary shall give bond, payable to the Governor, in the penal sum of $5,000 for the faithful performance of his or her duties, and the premium therefor shall be paid from the fees of the board.

(e) No moneys shall be withdrawn from the funds of the board except by direction of the board as provided by state law.

(f) A majority of the board shall constitute a quorum for the transaction of all business.

(g) The board is also authorized to adopt and publish minimum repair and service standards for its certified contractors, and shall mail a copy thereof to every certified contractor at least 30 days before the standard of criteria becomes effective. Certified contractors who fail to comply with such minimum standards and criteria shall be punished as prescribed in Section 34-31-32(a).

(h) The board is authorized to hold hearings, call witnesses, administer oaths, take testimony, and obtain evidence in the conduct of its business. It is further authorized to take such disciplinary actions as are authorized in subsection (c) of Section 34-31-32.

(i) The board is authorized to expend funds for purposes of public awareness of the board and its rules and regulations to include advertising, promotional materials, event exhibiting, staff uniforms, or other means approved by the board.

(Acts 1982, No. 82-547, p. 900, §3.4; Acts 1986, No. 86-118, p. 143, §3; Acts 1988, No. 88-217, p. 339, §3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2015-169, §1.)

SECTION 34-31-22 Board of Heating, Air Conditioning, and Refrigeration Contractors - Compensation.

Each member of the board shall receive one hundred dollars ($100) per day for attending sessions of the board or its committees and, in addition, shall be reimbursed for such necessary travel expenses as are paid to state employees, to be paid from fees collected.

(Acts 1982, No. 82-547, p. 900, §3.5; Act 2000-745, p. 1658, §1.)

SECTION 34-31-23 Board of Heating, Air Conditioning, and Refrigeration Contractors - Regular meetings.

The board shall meet in a regular session to perform its lawful duties at least once each three-month period.

(Acts 1982, No. 82-547, p. 900, §3.6.)

SECTION 34-31-24 Performance of functions of certified contractor; testing or verifying duct air tightness.

(a)(1) No person may advertise, solicit, bid, obtain permits, do business as, or perform the function of a certified contractor unless the person in responsible charge, is a certified contractor.

(2) Every contractor licensed under this chapter shall display the contractor's certification number and the company name on all documentation, forms of advertising, and on all service and installation vehicles used in conjunction with heating, air conditioning, and refrigeration contracting.

(3) A contractor licensed under this chapter may not permit the use of his or her license by any other person.

(4) No official who issues licenses to any person to operate a business as a certified contractor may issue a license unless there is presented for inspection a certificate of qualification issued by the board to the individual or to the person in responsible charge with the partnership or corporation.

(b) The following requirements apply to the practice of testing or verifying duct air tightness:

(1) Any individual who engages in the practice of testing and verifying duct air tightness is required to register with the board. The individuals are not required to become a certified heating and air conditioning contractor, but shall complete training as set forth by this subsection. The board shall maintain a list of individuals who are registered duct envelope testing contractors in the practice of testing and verifying duct air tightness and leakage. The board may establish fees to be paid by registrants. All fees must accompany the application for registration and are nonrefundable. All registrations must be renewed by December 31 of each year. The board may establish a late fee for those individuals failing to renew by December 31.

(2) Any board certified heating and air conditioning contractor or home builder licensed by the Alabama Home Builders Licensure Board seeking to register as a duct tightness tester for the purposes of testing ducts on his or her own project or on a third party basis for the general public, must successfully complete the Residential Energy Services Network Home Energy Rating Systems (HERS) Rater training, the Building Performance Institute Building Analyst (BPI) training, or the Home Builders Association of Alabama Qualified Credentialed Air Tightness Verifier (QCATV) training. Any applicant that is not a board certified contractor or a licensed home builder seeking to register as a duct tightness tester for the purposes of testing duct work on a third party basis for the general public must successfully complete the Residential Energy Services Network Home Energy Rating System (HERS) Rater training or the Building Performance Institute Building Analyst (BPI) training. Each applicant must submit verification that he or she has successfully completed the training required by at least one of the above listed programs to the board prior to receiving the registration in order to be added to the list of registered individuals. Each registrant must submit proof of completion, approved by the Home Builders Association of Alabama, prior to annual re-registration by the board.

(3) The board may discipline any registrant who fails to conduct air tightness testing to the standards set forth by the board. Discipline for registrants may include all penalties authorized by this chapter.

(Acts 1982, No. 82-547, p. 900, §3.7; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Act 2009-486, p. 879, §1; Act 2015-169, §1; Act 2024-310, §1.)

SECTION 34-31-25 Fees; disposition of funds.

(a)(1) For the purpose of defraying the expense in carrying out this chapter, the board may fix fees to be paid for the issuance, reissuance, and replacement of certificates and for any other service provided by the board, but in no event shall the charges fixed by the board exceed two hundred fifty dollars ($250). The inactive fees may be waived for building officials or inspectors, as defined by the International Code Council. All fees fixed by the board must accompany the application, and no part of the fees shall be refunded. The fees shall be received by the board and held solely for the purpose of paying the expense of carrying out this chapter.

(2) Renewal fees shall be established by the board to ensure adequate funding to support the board. Fees shall not exceed two hundred fifty dollars ($250) per year. The amount of these fees shall be established by the board on an annual basis to provide adequate funding to support the board and to pay the expenses incurred for applications, examinations, or renewals of licenses.

(b) All penalties collected by the board shall be used in the same manner and for the same purpose as fees.

(c) Fees for Duct Envelope Testing Contractors application and annual renewal shall not exceed one hundred dollars ($100).

(Acts 1982, No. 82-547, p. 900, §3.8; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2009-486, p. 879, §1; Act 2015-169, §1; Act 2024-310, §1.)

SECTION 34-31-26 Renewal of certificates; inactive status; continuing education.

(a) All certificates provided for herein shall be renewed annually, not later than December 31 of each year. All holders of certificates may be renewed annually, provided that the certified contractor has complied with all provisions of law and rules and regulations of the board thereof, upon payment of all fees set forth by the board as provided for in this chapter.

(b) Any person certified by the board may elect an inactive status certificate by notifying the board in writing. The fee for the issuance and renewal of an inactive status certificate shall be established by the board in an amount not to exceed one-half of the amount set for fees pursuant to Section 34-31-25.

(c) The board shall provide by rule or regulation those activities which an inactive status certificate holder may engage in, and for a procedure for the reinstatement as an active status certificate holder.

(d) The board shall adopt an annual program of continuing education for its certified contractors by January 1 of each year. All certified contractors shall be required to complete at least four hours of continuing education every year. In the event a contractor completes in excess of four hours continuing education in a calendar year, he or she may carry over four hours to the following renewal year. This minimum continuing education requirement will begin during the calendar year 2001. All certified contractors will be required to complete the minimum continuing education requirements prior to renewal in all years beginning January 1, 2002.

(e) The failure to complete the minimum continuing education requirements shall prevent the renewal of the certified contractor's license until proof of compliance with the continuing education requirement is submitted to the board. The board may permit a certified contractor to submit a deficiency plan to the board for approval by January 1 of each year for medical hardships and emergencies that prevent the certified contractor from complying with the continuing education requirements on time. This deficiency plan shall be specific in describing the plan for full compliance with the continuing education requirement and shall be accompanied by a deficiency plan fee established by the board.

(f) The board shall adopt rules that prescribe the policies, procedures, and fees for obtaining board approval of the providers, courses, and instructors for the continuing education program.

(g) Any inactive contractor who is 65 years of age or older is exempt from continuing education requirements.

(h) A contractor is exempt from completing continuing education requirements during the first year he or she receives his or her certification with the board.

(Acts 1982, No. 82-547, p. 900, §3.9; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2009-486, p. 879, §1; Act 2015-169, §1.)

SECTION 34-31-27 Citizenship; application forms.

All applicants for examinations and certificates and all applicants for renewal certificates shall be citizens of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall be required to fill out a form which shall be provided by the board.

(Acts 1982, No. 82-547, p. 900, §3.10; Act 2008-130, p. 187, §3.)

SECTION 34-31-28 Examination for certification; registration; eligibility; further testing, etc., by localities prohibited; exemptions.

(a) All prospective certified contractors in this state seeking to qualify in accordance with this chapter shall be required to stand for a written examination before the board. Any applicant failing to pass his or her first examination for a certificate may take any subsequent examination, either written or, upon request of the applicant, a practical examination which is equivalent to the written examination, to be held within six months from the date of his or her unsuccessful examination.

(b) The board shall examine the character, fitness, and qualifications of every individual who applies for a certified heating, air conditioning, or refrigeration contractor license upon forms prescribed by the board and upon payment of all prescribed fees.

(c) An applicant for examination for a heating, air conditioning, or refrigeration certified contractor license shall be eligible to stand for the examination if the applicant has completed 3,000 hours of work experience, as defined by the board, or is a graduate of an approved heating, air conditioning, or refrigeration curriculum.

(d) Counties, municipalities, or other local entities are prohibited from requiring any further local testing or satisfaction of other requirements by certified contractors, subject to the payment of any applicable local privilege, license, or business fees or charges.

(e) Individuals licensed by the Alabama Liquefied Petroleum Gas Board are exempt from this chapter pertaining to heating, air conditioning, and refrigeration when:

(1) Engaged in the installation, repair, or replacement of a liquefied petroleum gas appliance so long as the appliance is not connected to a refrigeration system, provided that the individuals may engage in the replacement or repair of a liquefied petroleum gas central heating unit when it is combined with an air conditioning unit.

(2) Engaged in the installation of a venting system required for a vented-type liquefied petroleum gas appliance.

(f) This chapter does not apply to any of the following:

(1) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, if the employee does not hold himself or herself out for hire or otherwise engage in contracting except in accordance with his or her employment.

(2) Any mobile home or manufactured structure that is installed, inspected, or regulated by the Alabama Manufactured Housing Commission; however, the repair, servicing of a heating and air conditioning system, or the installation of a new heating and air conditioning system in a previously inspected manufactured structure is subject to this chapter.

(3) Individuals performing work on motor vehicles, residential refrigerators, or ice machines.

(4) Household appliances.

(5) Farm equipment.

(6) Poultry operations whether engaged in hatching, primary processing, or further processing of chicken, turkey, or other fowl.

(Acts 1982, No. 82-547, p. 900, §3.11; Acts 1986, No. 86-118, p. 143, §3; Acts 1988, No. 88-217, p. 339, §3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2009-486, p. 879, §1; Act 2024-310, §1.)

SECTION 34-31-29 Examinations generally; reciprocity agreements.

(a) The board shall provide for examinations which test the knowledge, skill, and proficiency of the applicants.

(b) Examinations shall be held at such time and place as may be fixed by the board at least once each three-month period. Written notice of the place of examinations shall be mailed to all persons who have filed current applications for the examinations of the board.

(c) The board may charge each applicant and retesting applicants for examination a reasonable fee based on the actual costs for administering the examinations. Applicants must stand for the examination within one year from the date the board receives the examination application and fees, otherwise the applicant must resubmit an application and appropriate fees.

(d) The board may enter into reciprocity agreements with other states to permit Alabama certified contractors to engage in work in other states in exchange for that state's contractors being permitted to

perform work in Alabama. This provision recognizes the status of the certified contractor as having passed the examination; however, all certification fees are required to be paid.

(Acts 1982, No. 82-547, p. 900, §3.12; Acts 1988, No. 88-217, p. 339, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2009-486, p. 879, §1.)

SECTION 34-31-30 Performance bond.

The board may require a performance bond not to exceed twenty-five thousand dollars ($25,000) per year for all active certified contractors. There shall be no discrimination between contractors similarly situated, and each classification of regulated contractors for bonding purposes must be reasonable considering the purpose of the bond.

(Acts 1982, No. 82-547, p. 900, §3.13; Act 2009-486, p. 879, §1; Act 2024-310, §1.)

SECTION 34-31-31 List of certified contractors.

The board may publish annually a list of names, addresses of all individuals, and the name of their employer, if applicable, who are certified by the board, and shall mail a copy of the list to all qualified individuals so certified upon request to do so. The board may require a reasonable fee to cover the cost of producing and mailing the directory.

(Acts 1982, No. 82-547, p. 900, §3.14; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Act 2000-745, p. 1658, §1.)

SECTION 34-31-32 Violations; penalties.

(a) Except as provided in Section 13A-9-111.1, any individual engaged in business as a certified contractor or performing the functions of a certified contractor in violation of this chapter shall be guilty of a Class A misdemeanor.

(b) The board may impose late penalties on certified contractors who fail to renew certificates by December 31 of each year. The board may also remove the certification from any certified individual who fails to renew his or her certificate by the first day of March and require the individual to apply for a new certificate. The board may require the successful re-testing of any previously certified individual who applies for a new certification.

(c) The board may reprimand, in writing, any certified contractor who provides substandard or dangerous service, repair, or installation, or who otherwise violates this chapter.

(d) The board may remove, revoke, or suspend the certification of any certified contractor who provides substandard or dangerous service, repair, or installation, or who otherwise violates this chapter, and may require any previously certified individual to apply for a new certification.

(e) The board may levy and collect administrative fines for violations of this chapter or the rules of the board of not more than two thousand dollars ($2,000) for each violation.

(f)(1) In addition to or in lieu of the criminal penalties and administrative sanctions provided in this chapter, the board may issue an order to any person engaged in any activity, conduct, or practice that is a violation of this chapter, directing the person to cease and desist from the activity, conduct, practice,

or performance of any work in progress or about to be commenced. The order shall be issued in the name of this state under the authority of the board.

(2) If the person fails to immediately comply with the cease and desist order, the board shall petition any court of competent jurisdiction to issue a writ of injunction enjoining the person from engaging in any activity, conduct, practice, or performance of work prohibited by this chapter. Upon a sufficient showing by the board that the person has engaged or is engaged in any activity, conduct, practice, or performance of work prohibited by this chapter, the court may issue a temporary restraining order to enjoin the person from engaging in the performance of work pending the hearing on a preliminary injunction. After a hearing, the court may issue a permanent injunction commanding the cessation of the performance of work complained of, all without the necessity of the board having to give bond. A temporary restraining order, preliminary injunction, or permanent injunction issued pursuant to this subsection shall not be subject to being released on bond.

(3) In the suit for an injunction, the board may issue a fine of up to two thousand dollars ($2,000) plus costs for each offense.

(4) Any failure to cease work, after a hearing and notification from the board, shall render an individual ineligible to apply for a certified contractor's license for a period not to exceed one year from the date of official notification to cease work. The board may withhold approval for up to six months of any application from any individual who, prior to the application, has been found in violation of this chapter.

(Acts 1982, No. 82-547, p. 900, §3.15; Acts 1988, No. 88-217, p. 339, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2004-67, p. 82, §3; Act 2009-486, p. 879, §1; Act 2021-272, §2; Act 2024-310, §1.)

SECTION 34-31-33 Procedure.

The procedures shall be same as those defined in the Alabama Administrative Procedure Act, Chapter 22 of Title 41. The board may establish additional procedures as needed provided that the procedure is published and made public and are not in conflict with the state law.

(Acts 1982, No. 82-547, p. 900, §3.16; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, §1.)

SECTION 34-31-34 Appeals.

Any appeals to the chapter shall be as defined by the Alabama Administrative Procedure Act. Any judicial review pursuant to the Alabama Administrative Procedure Act must be filed, commenced, and maintained in the Circuit Court of Montgomery County, Alabama.

(Acts 1982, No. 82-547, p. 900, §3.17; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, §1; Act 2024-310, §1.)

SECTION 34-31-35 Sunset provision.

The State Board of Heating, Air Conditioning, and Refrigeration Contractors shall be subject to the Alabama Sunset Law, Title 41, Chapter 20, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2004, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

(Act 2000-745, p. 1658, §2; Act 2009-486, p. 879, §1.)

ALABAMA BOARD OF
HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS
ADMINISTRATIVE CODE

CHAPTER 440-X-1
DEFINITIONS

440-X-1-.01 Definitions.

(1) Code of Ala. 1975, Section 34-31-18, provides for definitions of the following terms: "certified contractor, " "installation," "service and repair," "board," "heating, air conditioning and refrigeration system or systems," "administrative procedures law: and "responsible charge."

(2) Act. The term "Act" as used in these rules shall mean Title 34, Chapter 31 of the Code of Ala. 1975, regulating the heating, air conditioning, and commercial refrigeration contractors industry.

(3) Alabama Administrative Procedure Act. The term "Alabama Administrative Procedure Act" refers to the Act .codified at Title 41, Chapter 22, of the Code of Ala. 1975

(4) Board. The term "Board" as used in these Rules shall mean the State Board of Heating, Air Conditioning and Refrigeration Contractors. The Board shall be comprised of members appointed by the Governor, Lieutenant Governor, Speaker of the House, and President Pro Tempore of the Senate pursuant to Section 34-31-20, Code of Ala. 1975. The public may make submissions and requests to the Board in writing at the following mailing address:

State of Alabama
Board of Heating, Air Conditioning
and Refrigeration Contractors
100 North Union Street, Suite 986
Montgomery, Alabama 36130

(5) Certificate. The term "certificate" as used in these Rules shall mean a certificate issued to or renewed by a certified contractor by the Board pursuant to the Act. The term certificate may also be interchanged with the term "license".

(6) Certified Contractor. The term "certified contractor" as used in these Rules shall mean any individual or any regularly employed person for any partnership or corporation who for hire is engaged in the installation or service and repair of heating, air conditioning or refrigeration systems; provided that nothing in this chapter shall apply to retail sellers of heating, air conditioning or refrigeration systems who do not install said

systems themselves. A certified contractor is authorized to install or service and repair or replace natural gas heating, air conditioning or refrigeration appliances, including specifically the servicing, repair, or replacement of those appliances, including specifically the servicing, repair, or replacement of those appliances in manufactured housing set up as stationary housing, but excluding the piping to such appliances, and except as otherwise prohibited by law.

(7) Retail Seller. The term "retail seller" shall mean any person (as defined in these rules) who sells a heating, air conditioning or refrigeration system or systems, but does not provide for the service, repair or installation of said system.

(8) Inactive Contractor. The term "inactive contractor" refers to any certified contractor who elects to obtain inactive status as a certified contractor. To obtain status as an inactive contractor, the certified contractor shall notify the Board in writing of his desire to seek inactive contractor status and return his licensing card reflecting his status as a certified contractor. The Board shall then issue the contractor an inactive contractor-1icensing card. Inactive contractors shall be required to pay an annual licensing fee in an amount that does not exceed one-half of the annual licensing fee for certified contractors. An "inactive contractor" shall not be eligible or allowed to purchase local licenses or be issued any permits to perform installation, service, or repair work, or to solicit or bid to perform installation, service or repair work, on heating, air conditioning or refrigeration systems. An inactive contractor may be allowed by the Board to reactivate certification as a "certified contractor" at any time by notifying the Board in writing of his desire to return to "certified contractor" status and by informing the Board that he or she has obtained the proper bond pursuant to Alabama law and the Rules and Regulations of the Board. The inactive contractor shall also submit payment to the Board of the difference in fees between "certified contractor" and "inactive contractor" status.

(9) Person. The term "person" as used in these Rules shall mean any natural person, limited or general partnership, corporation, association, limited liability company, or other legal entity, or any combination thereof.

(10) Bond. The term "bond" as used in these Rules shall mean that performance bond described in the Act.

(11) Minimum Standards. The term "minimum standards" as used in these Rules shall mean those minimum repair and service standards adopted for certified contractors by the Board pursuant to the Act.

(12) Continuing Education. The term "continuing education" as used in these rules shall mean the required hours of continuing education required by state law for certified contractors.

(13) Regularly Employed Person. The term "regularly employed person" as used in these rules shall mean a person who is an actual employee of the business, not an independent contractor, who works at least 30 hours or more per week and receives a W-2 wage form not a 1099 form from the employer.

Author: Kathy LeCroix, Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-18.
History: Filed September 30, 1982. **Amended:** Filed September 21, 1987; May 18, 1992. **Amended:** Filed November 5, 1996; December 10, 1996. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Published November 30, 2022; effective January 14, 2023.

ALABAMA BOARD OF HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADMINISTRATIVE CODE

CHAPTER 440-X-2 ORGANIZATION AND ADMINISTRATIVE PROCEDURES OF THE BOARD

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440-X-2-.01 Purpose.

The Alabama Board of Heating, Air Conditioning Refrigeration Contractors was created to certify qualified contractors on a state-wide basis in order to protect the public by identifying those contractors who have the knowledge and ability to install, service, or repair heating, air conditioning or refrigeration systems.
Author: Mark Montiel, Kathy LeCroix
Statutory Authority: Code of Ala. 1975, §34-31-19.
History: Filed July 17, 1985. **Amended:** Filed July 12, 1988. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009.

440-X-2-.02 Officers.

The Board annually shall elect from its members a chairman, vice-chairman, and a secretary. The chairman shall preside over meetings of the Board when present and shall appoint all committees of the Board. The vice-chairman shall preside over meetings of the Board in the absence of the chairman. The chairman shall designate another member to preside at meetings from which both the chairman and vice-chairman are absent. The secretary or, if directed by the board, the executive director shall perform the following tasks: keep all minutes, books, records, and files of the Board; shall issue all certificates in the name of the Board; shall send all notices and attend to all correspondence directed

by the Board; shall receive and deposit fees; and shall perform all incidental duties of the office as directed by the Board. The secretary shall give bond, payable to the Governor, in the penal sum of Five Thousand Dollars ($5,000.00) for the faithful performance of his duties, and the premium thereof shall be paid from the fees of the Board. No moneys shall be withdrawn from the funds of the Board except by direction of the Board as provided in state law.
Author: Mark Montiel
Statutory Authority: Code of Ala. 1975, §34-31-21.
History: Filed September 30, 1982. **Amended:** Filed July 12, 1988; February 21, 1991. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Published November 30, 2022; effective January 14, 2023.

440-X-2-.03 Executive Director.

The Board may select and hire an executive director to serve at the pleasure of the Board. The executive director shall be responsible for the administration of Board policies. The executive director shall perform duties assigned by the Board and shall perform the duties of the secretary of the Board if directed by the Board. The executive director shall also fulfill the duties assigned to the executive director or executive secretary as described in the Alabama Administrative Procedure Act. The executive director shall be designated as the agent for the Board for service of legal process upon the Board. The executive director shall have custody of and shall safeguard and keep in good order all property and records of the Board. The executive director shall sign all instruments and matters that require approval of the Board. The executive director shall receive and deposit all funds to the credit of the board in the State Treasury and shall review all bills before requesting the State Comptroller to make payment of any accounts. The executive director shall keep the records of the Board which shall include, without limitation, all applications for certification by the Board and supporting documentation; a complete and permanent record of all applications that fail to result in certification; evidence of the important business transactions of the Board; a complete and permanent record of all certifications issued by the Board; and a record of all enforcement and disciplinary actions taken by the Board. All correspondence to the Board, including requests for information and the submission of requests, shall be made to the executive director at the Board's office in Montgomery, Alabama.
Author: Mark Montiel
Statutory Authority: Code of Ala. 1975, §34-31-21(a).
History: Filed January 6, 1988. **Amended:** Filed July 12, 1988. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003.

Ed. Note: Formerly Rule No. 440-X-2-.06. **Amended:** Filed February 21, 1991; December 11, 1991; July 17, 1992.

440-X-2-.04 Deputy Directory And Other Staff.

(1) The Executive Director with the consent of the Board may also employ a deputy director who shall serve at the pleasure of the Executive Director. The salary and compensation of the deputy director shall be set by the Board and shall not exceed the salary set for the executive director.

(2) The Board may also employ other full time or part time administrative staff who shall work under the direction and supervision of the executive director.

(3) All Board staff, including the executive director and deputy director, shall be entitled to reimbursement for travel the same as other employees of the State of Alabama, including actual expenses for authorized out-of-state travel, and per diem and transportation costs for in-state travel.
Author: Mark Montiel
Statutory Authority: Code of Ala. 1975, §34-31-21(a).
History: Filed October 3, 1991. **Amended:** Filed November 5, 1996; effective December 10, 1996. **Amended:** Published November 30, 2022; Effective January 14, 2023; **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003.

440-X-2-.05 Meetings.

(1) The Board shall conduct regular meetings to perform its lawful duties at least once in each three-month period.

(2) The Board may meet on other occasions as necessary to conduct its business and to comply with state law and the Rules and Regulations of the Board. Special meetings of the Board may be called by the chairman or by a majority of the members of the Board.

(3) Each member of the Board shall be given at least ten days notice of the time, place, and purpose of any regular meeting. This notice may be waived by the individual member and is waived by the member's presence at the called meeting. Each member of the Board shall receive reasonable notice for all called special meetings. The executive director shall provide reasonable notice to the public of all regular and special meetings of the Board as appropriate under the circumstances.

(4) A majority of the Board shall constitute a quorum for the transaction of all business.

(5) The Board may meet at its Board offices in Montgomery, Alabama or such other location as designated to conduct the business of the Board.

(6) Each member of the Board shall receive One Hundred Dollars ($100.00) per day for attending sessions of the Board or its committees and, in addition, shall be reimbursed for such necessary travel as are paid to state employees, to be paid from fees collected by the Board.
Author: Mark Montiel
Statutory Authority: Code of Ala. 1975, §34-31-21, 34-31-23.
History: Filed July 17, 1992. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Published November 30, 2022; effective January 14, 2023.

440-X-2-.06 Voting.

All Board members, including the chairman, are entitled to make or second motions. A majority of those members of the Board present and voting on any matter shall decide the matter before the Board. The chairman and other officers of the Board shall be allowed to vote on matters the same as other members of the Board. Votes of the Board shall be included in the minutes of the Board and kept as part of the permanent records of the Board.
Author: Mark Montiel
Statutory Authority: Code of Ala. 1975, §34-31-21.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003.

440-X-2-.07 List Of Certified Contractors.

The Board may publish annually a list of names and addresses of all individuals certified by the Board. The Board may also publish the list of certified contractors on the Board's designated website. The Board may provide, upon request to the Board, a copy of said list to persons and may require a reasonable fee to cover the costs of producing and mailing said directory.
Author: Mark Montiel
Statutory Authority: Code of Ala. 1975, §34-31-31.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003.

440-X-2-.08 Advisory Opinions.

The Board may, in its discretion, issue an advisory opinion to any certified contractor, governmental official, or entity

substantially affected by a Rule or statute enforceable by the Board. Board advisory opinions may address the applicability of such Rules or statutes and other matters to assist the certified contractor, government official, or entity with the meaning and scope of the orders of the board and the Rules and Regulations of the Board. All requests for advisory opinions must be in writing and must specifically state that it is a "request for an advisory opinion". The Board's general counsel shall assist the Board as necessary in responding to these requests for advisory opinions.
Author: Mark Montiel ,
Statutory Authority: Code of Ala. 1975 §34-31-33.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003.

Ed. Note: Previous rules:

440-X-2-.03 Annual Renewal Of Certified Contractors: Filed September 30, 1982. **Amended:** Filed September 21, 1987. **Repealed:** Filed July 12, 1988.

440-X-2-.04 Application For Registered Contractor: Filed September 30, 1982. **Repealed:** Filed July 12, 1988.

440-X-2-.05 Information Verification: Filed September 30, 1982. **Amended:** Filed September 21, 1987. **Repealed:** Filed July 12, 1988.

ALABAMA BOARD OF HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADMINISTRATIVE CODE

CHAPTER 440-X-3 LICENSING AND FEES

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440-X-3-.01 Definitions.

(1) Applicant - Any person or entity making a formal application for an examination or certification of any type.

(2) Certification/License - The determination that the qualifications for the knowledge and skill of an individual with respect to heating, air conditioning, commercial refrigeration, or duct air tightness system has been met. The term certification and license may be used interchangeably in throughout this section.

(3) Entity - Any being that possess a certification, license, or registration by this Board.

(4) Person in Responsible Charge - A certification or license holder at the direction of projects involving the installation or service and repair of heating, air conditioning, and refrigeration

systems requiring initiation, professional skills, technical knowledge, and independent judgement.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-26.
History: New Rule: Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule No. 440-X-3-.01 was renumbered 02, and Replaced as New Rule .01, Definitions, as per certified published November 30, 2022; effective January 4, 2023.

440-X-3-.02 Requirements For Licensing Of Certified Contractors.

(1) All certified contractors shall have and maintain a current license issued by the Board. A license is current only during the calendar year in which it is issued and shall expire on December 31 annually. A license shall automatically lapse at the end of the calendar year in which it was issued if it is not renewed prior to 11:59 pm December 31st annually.

(2) Certification by the Board is required for at least one person in responsbile charge employed by realty management companies who perform heating, air conditioning, or commercial refrigeration installation, service or repair on property owned by a party other than themselves.

(3) Certification by the Board is required for work involving air duct cleaning services, filter changing services, test and balance services, and the cleaning of heating, air conditioning or refrigeration equipment or systems.

(4) Certification by the Board is required for heating and air conditioning installation, service, or repair work performed preowned, previously set manufactured or modular homes.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-18.
History: Filed February 21, 1991. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Rule No. 440-X-3-.01 entitled "Distinction Between Installation and Service Repair" filed September 30, 1982. **Repealed and new rule entitled "Registered Contractor" adopted in lieu thereof:** Filed September 21, 1987. **Repealed and new rule entitled "Failure to Renew Before March 1" adopted in lieu thereof:** Filed July 12, 1988. **Repealed and new rule entitled "Failure to Renew" adopted in lieu thereof:** Filed February 21, 1991. Previous Rule .01 was renumbered .02 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.03 Renewal And Licensing Filing Requirements.

All new licensure applications, application for examination, annual renewal application, or any other submissions to the Board required by these rules, shall be deemed filed when received by the executive director or their designee. The executive director or designee may reject any application for licensure, application for examination, annual renewal application, or other submission to the Board that appear inaccurate, are incomplete, are for an individual or entity of whom which any fees and past due administrative fines have not been paid at the time the application or renewal is filed.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-18.
History: Filed July 12, 1988. **Amended:** Filed February 21, 1991. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .02 was renumbered .03 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.04 Forms Of Licensing.

(1) Any individual with the desire to qualify as a certified heating and air conditioning contractor or refrigeration contractor via examination process shall be required to sit for a prelicensure examination prior to being considered for licensing by the Board. Any applicant who fails to pass their prelicensure examination the first time taken, shall be entitled to take the same written examination, upon request by the applicant, a practical examination which is equivalent to the written examination, again within six months from the date he or she failed the examination the first time. Certifications shall be issued only to those individuals or legal entities who have properly submitted the appropriate applications to the Board under Alabama law and the Board's rules and regulations, and who have taken and passed the Board's written examination or practical examination as provided in Alabama law.

(2) An individual who desires to obtain status as a certified heating and air conditioning contractor or refrigeration contractor via reciprocity may qualify if they hold a current and valid license in a qualifying reciprocal state with no previous or pending disciplinary action. Certifications shall be issued only to those individuals or legal entities who have properly submitted

the appropriate applications to the Board under Alabama law and the Board's rules and regulations.

(3) Any individual applying for a heating and air conditioning license must personally satisfy all licensure requirements before issuance of the license as certified contractor by the Board.

(4) Any person or legal entity applying for a refrigeration license must satisfy all licensure requirements before issuance of a license as a certified refrigeration contractor by the Board.

(5) All new heating and air conditioning, or refrigeration contractor applicants must provide a performance bond in the amount of Twenty Thousand Dollars ($20,000.00) to the Board. Proof of bond may be required annually during the renewal process.

(6) Applying for certification by the Board to engage in the business of heating and air condition and/or refrigeration installation, service, or repair as a partnership, corporation, business trust, or other legal entity must be done so through a person in responsible charge as defined by Alabama law and the Rules and Regulations of the Board. The application to the Board shall provide the name of the partnership and its partners; the name of the corporation and its officers and directors; the name of the business trust and its trustees; or the name of any other legal entity and its members. The application to the Board shall establish that the person in responsible charge under Alabama law and these Rules and Regulations is legally qualified to act for the business organization in all matters connected with its heating, air conditioning, and/ or refrigeration installation, service, or repair business. The heating and air conditioning, and/or refrigeration certification by the Board issued upon such application described in this Rule shall be issued in the name of the person in responsible charge and shall include the name of the business organization engaged in the heating, air conditioning, and/or refrigeration installation, service, or repair business.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-18.
History: Filed July 12, 1988. **Amended**: Filed June 9, 1999; effective July 14, 1999. **Repealed and New Rule**: Filed April 9, 2003; effective May 14, 2003. **Amended**: Filed August 14, 2009; effective September 18, 2009. **Amended**: Published December 31, 2019; effective February 14, 2020. **Repealed and New Rule**: Published November 30, 2022; effective January 14, 2023. **Amended**: Published August 30, 2024; effective October 14, 2024, operative October 15, 2024.

Ed. Note: Previous Rule .03 was renumbered .04 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.05 Exemptions.

The licensing requirements for certified contractors do not apply to the following:

(1) Retail sellers of heating, air conditioning or refrigeration systems who do not provide installation, nor contracting for the installation, nor contracting for the installation, service, or repair of said systems;

(2) Heating and air conditioning, or refrigeration installation, service or repair work performed by an owner of a building that is the real property of said owner;

(3) Heating and air conditioning, or refrigeration installation, or service and repair, performed by anyone who is regularly employed as a maintenance person incidental to and in connection with the business in which he or she is employed, provided said heating and air conditioning work is done on the premises of said owner, and repairperson does not engage in heating and air conditioning work for others.

(4) In instances where a certified heating and air conditioning contractor bids installation work and is responsible for obtaining all required permits, the certified contractor may subcontract the installation of duct work only to an uncertified person who is performing the work under the supervision of the certified contractor as the person in responsible charge. The certified contractor is responsible for all such work performed and is considered by the Board as the person in responsible should the work fail to meet the minimum standards under these Rules. This exemption does not apply to design and installation of duct work not performed under the responsible supervision of a certified contractor.

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-25, 34-31-26.
History: Filed July 12, 1988. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .04 was renumbered .05 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.06 Failure To Renew.

(1) Any certified contractor who has not renewed their certification by 11:59 pm on December 31st annually is immediately considered lapsed and shall have until 11:59 pm on December 31st of the calendar year immediately following the lapse of certification to renew his certification. An additional $250.00 late fee will be imposed on all late renewals, without additional testing by the Board.

(2) Any certified contractor who remains unlicensed for a period of one calendar year (365 days), or more, is considered expired and shall be required to sit for and pass the written prelicensure examination prior to applying for re-licensure as a new applicant. Expired licenses are not eligible for late fees nor prelicensure waivers for any reason.
Author: Jeffrey Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-28; 34-31-16.
History: Filed July 12, 1988. **Repealed and replaced with new rule (same title):** Filed February 13, 1992. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Published December 31, 2019; effective February 14, 2020. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .05 was renumbered .06 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.07 Alternative Method Of Testing.

In the event an individual has taken the written examination without achieving a passing score they may, upon specific written request to the Board, be given an opportunity to take a practical examination equivalent to the written examination. This practical examination shall be held within six months from the date of the applicant's last unsuccessful written examination.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-28(b).
History: Filed July 12, 1988. **Amended:** Filed November 29, 1990. **Amended:** Filed December 1990; February 21, 1991; August 18, 1993; effective September 22, 1993. **Amended:** Filed July 28, 1994; effective September 1, 1994. **Amended:** Filed November 5, 1996; effective December 10, 1996. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .06 was renumbered .07 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.08 Procedure In The Event Of The Loss, Death, Or Incapacitation Of A Certified Contractor.

(1) In the event a certified contractor in responsible charge separates by termination, layoff, or voluntary resignation from a partnership, corporation, business trust, or other legal entity operating under his or her certification, the certified contractor and entity shall notify the Board within five {5} days of the separation by submitting a severance notification form prescribed by the Board. The entity must immediately cease entering all contracts, both verbal and written, and the installation, service and/or repair of any heating and air conditioning or refrigeration system until a certified contractor applies to, and is approved by, the Board as responsible in charge for the entity. Operating without a certified contractor in responsible charge is a violation of Section 31-31-32(a), Code of Ala. 1975.

(2) In the event of the death or incapacitation of a certified contractor in writing within 45 days by any partnership, corporation, business trust, or other legal entity operating under the certification of the deceased or incapacitated person in responsible charge. These business entities are eligible to apply for an emergency certification on an application prescribed by the Board and must provide a death certificate or official statement from a physician attesting to incapacitation, and new bond or bond rider.

An emergency certification shall be active for no longer than 90 days before expiring. The entity may continue to enter new contracts and engage in the installation, service or repair of heating and air conditioning or refrigeration systems while the certification remains active. Once expired the entity must immediately cease entering all contracts, both verbal and written, and the installation, service and/or repair of any heating and air conditioning or refrigeration system until a certified contractor applies to, and is approved by, the Board as responsible in charge for the entity. Failure to notify the Board of the death of a contractor is a violation of Section 34- 31-32(a), Code of Ala. 1975.

Author: Jeffery M. Becraft
Statutory Authority: Code of Ala. 1975, §§34-31-18; 34-31-32; 41-9A-3.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003.
Amended: Filed August 14, 2009; effective September 18, 2009.
Amended: Published September 30, 2021; effective November 14,

2021. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.09 Person In Responsible Charge.

(1) The person in responsible charge must direct the projects involving the installation or service and repair of heating, air conditioning or refrigeration systems under Alabama law. The person in responsible charge must be regularly employed person, a person who is an actual employee of the business, not an independent contractor and must receive a W-2 for all earnings. The person must work an average of 30 or more hours per week for the heating, air conditioning, or refrigeration business as a full-time employee. The responsible charge may also be an owner, partner, or corporate officer of the partnership, corporation, business trust, or other legal entity. The responsible charge must possess the requisite skill, knowledge, and experience and have the responsibility to supervise, direct, manage, and control the installation, service, or repair activities of the business entity with which he is affiliated. The Board shall examine the technical and personal qualifications of the person in responsible charge and may investigate and/or examine that person's qualifications.

(2) If the person in responsible charge of a business entity desires to qualify a second or additional business entity by holding dual certifications with the Board, that person is required to appear at a meeting of the Board and present evidence of ownership, ability to supervise, direct, manage and control that business entity. The person in responsible charge must also present evidence at or before this Board meeting of his financial responsibility for the additional business entity. The person in responsible charge shall also pay an additional licensing fee to the Board for this additional business entity and shall provide a bond in the amount required for certified contractors under these Rules. It is entirely within the Board's discretion to allow or disallow the additional business entity to be certified under the certified contractors responsible charge.

(3) The person in responsible charge, as a certified contractor, is responsible for electrical work, to include circuit protection and wiring, from the appliance to the means of disconnect related to commercial and residential heating and air conditioning, and/or commercial refrigeration equipment, and is considered by the Board as the person responsible for such work should the work fail to meet the minimum standards outlined in Section 440-X-5 of these rules.

(4) The person in responsible charge, as a certified contractor, is responsible for gas piping from the appliance to the means of disconnect, related to commercial and residential heating and air conditioning, and/or commercial refrigeration equipment, and is

considered by the Board as the person responsible for such work should the work fail to meet the minimum standards in Section 440-X-5 of these Rules.
Author: Jeffrey Becraft
Statutory Authority: Code of Ala. 1975, §34-31-18.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Published December 31, 2019; effective February 14, 2020. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.10 Fees And Charges.

(1) The following fees and charges have been established by the Board effective October 14, 2024.

(a) Written examination fee	$175.00
(b) Practical examination fee	$375.00
(c) Initial certification fee for ACTIVE heating and air conditioning license	$220.00
(d) Annual renewal fee for ACTIVE heating and air conditioning license	$220.00
(e) Initial certification fee for ACTIVE refrigeration license	$220.00
(f) Annual renewal fee for ACTIVE refrigeration license	$220.00
(g) Initial certification fee for INACTIVE heating and air conditioning license	$110.00
(h) Annual renewal fee for INACTIVE heating and air conditioning license	$110.00
(i) Initial certification fee for INACTIVE refrigeration license	$110.00
(j) Annual renewal Fee for INACTIVE refrigeration license	$110.00
(k) Late fee for certification renewal received after December 31 annually	$250.00
(l) Continuing Education Deficiency fee	$100.00

(m) Dishonored check fee	$ 30.00
(n) Continuing Provider Application Fee	$ 75.00
(o) Continuing Education Course Fee	$ 25.00
(p) Continuing Education Instructor Fee	$ 25.00
(q) Non-Traditional Continuing Education Application	$ 25.00
(r) Duct Air Tightness Testing Contractor Registration Fee	$ 50.00
(s) Duct Air Tightness Testing Contractor Registration Late Fee	$ 50.00
(t) Issuance of printed certification cards	$ 25.00

(Inactive contractors are not eligible to purchase local licenses or permits until the inactive contractor returns to an active certified contractor status and meets all requirements for licensing as an active certified contractor, including payment of the proper fee(s))

(2) Examination fees are in addition to the fees required for initial certification, renewals, inactive contractor status, and the late fees for late renewals.

(3) All fees established by the Board shall be submitted with the application for examination to become certified with the Board, and no part of said fees shall be refunded. These fees shall be received by the Board and held for the purpose of paying the expenses associated with processing the application and to pay the expenses associated with testing.

(4) The Board may pass along to the applicant the service fee charged by any credit card company, bank, or card processing organization to process any online or in house credit card fee.
Author: Jeffrey Becraft, Kathy S. Byrom
Statutory Authority: Code of Ala. 1975, §§34-31-24, 34-31-25.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003.
Amended: Filed August 14, 2009; effective September 18, 2009.
Amended: Filed October 13, 2015; effective November 17, 2015.
Amended: Filed September 11, 2018; effective October 26, 2018.
Amended: Published January 31, 2020; effective March 16, 2020.
Repealed and New Rule: Published November 30, 2022; effective January 14, 2023. **Amended:** Published August 30, 2024; effective October 14, 2024.

440-X-3-.11 License Modifications.

(1) All licenses issued after July 26, 2019, are available for each contractor to view and print through an online portal provided by the Board. The Board may issue a copy of a license prior to 2019 for a certified contractor by request.

(2) The Board may modify the information on a license for a certified contractor who submits a written, sworn, and notarized statement to the Board that includes information establishing that the certified contractor's name has been changed by marriage or court order. If the certified contractor seeks issuance of a replacement licensed to accommodate a name change, the originally issued certification card must be returned to the Board as a condition of the issuance of the new certified contractor card.

(3) A certified contractor may apply to the Board to change the business name on their license by submitting a new application for licensure with their current certification number listed.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-27.
History: New Rule: Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.12 Dishonored Checks.

The Board may charge a dishonored check fee as set by the Code of Alabama and established by these regulations for any check that has been dishonored by the financial institution that it was drawn on. Pursuant to Code of Ala. 1975, §8-8-15, this fee must accompany a new payment in guaranteed funds. The Board may suspend the certified contractor's license until the dishonored check plus the dishonored check fee has been received by the Board and cleared by the payer's financial institution.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §8-8-15.
History: New Rule: Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.13 Building Official Waiver.

(1) Any building official or mechanical inspector who holds an inactive heating and air conditioning license and/or refrigeration

license, or who has sat for and passed the examination for certification shall not be required to submit payment of fees for an inactive certification if they meet one of the following requirements:

(a) Maintaining International Code Council certification as a certified:

1. Residential Mechanical Inspector,

2. Commercial Mechanical Inspector,

3. Mechanical Inspector,

4. Certified Mechanical Code Official,

5. Master Code Professional,

6. Mechanical Inspector (Uniform Mechanical Code),

7. State Mechanical Inspector CMC.

(b) Contractor must submit proper form prescribed by the Board along with documentation of certification listed in 1-7 above.

(2) If at any point the building official desires to become an active heating and air conditioning and/or refrigeration certified contractor, they will be required follow the initial application process for an active contractor as well as pay the full active certification fee for the remainder of the year and each year they hold active certification with the board.
Author: Jeffrey Becraft
Statutory Authority: Code of Ala. 1975, §34-31-28(d); Act No. 2009-486.
History: **New Rule:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

440-X-3-.14 Background Checks.

(1) The Board may require an individual to provide a background check prior to applying for examination. Once the background check has been completed and reviewed, and all further documents have also been reviewed by the Board, a determination of a candidate's fitness to sit for examination will be made.
Author: Jeffrey Becraft, Kathy S. LeCroix
Statutory Authority: Code of Ala. 1975, §34-31-21(a); Act No. 2009-486.
History: **New Rule:** March 6, 2013; effective April 10, 2013.
Amended: Filed October 13, 2015; effective November 17, 2015.

Repealed and New Rule: Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .15 was renumbered .14 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.15 Duct Air Tightness Testing Contractor Registration.

(1) The Duct Air Tightness Testing (DATT} Contractor Registration is for individuals who perform duct leakage and duct tightness testing on heating and air conditioning systems in conjunction with energy code compliance as required by the International Energy Conservation Code or the Alabama Residential Energy Code Board. Each Duct Air Tightness Testing Contractor is an independent Registration. Renewal of the DATT Registration is required annually.

(2) Any individual applying for a Duct Air Tightness Contractor Registration must complete their registration on a form prescribed by the Board and will be issued a separate registration. Prior to being issued a registration, he or she must first provide proof that they successfully completed one of the following approved programs:

(a) Home Builders Association of Alabama Qualified Credentialed Air Tightness Verifier or equivalent,

(b) Building Performance Institute Building Analyst Training (BPI Energy Auditor),

(c) Residential Energy Services Network Home Energy Rating System (RESNETHERS Rater).

Author: Jeffrey Becraft, Kathy S. LeCroix
Statutory Authority: Code of Ala. 1975, §34-31-24(4)(1); Act No. 2015-169.
History: New Rule: Filed October 13, 2015; effective November 17, 2015. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .16 was renumbered .15 as per certification published November 30, 2022; effective January 14, 2023.

440-X-3-.16 Military Members And Spouses, And Federal Government Personnel.

(1) Acceptance of Military Education, Training, or Service.

(a) The Board may accept education, training, or service completed by an individual as a member of the Armed Forces or reserves of the United States, the National Guard of any state, the military reserves of any state, or the naval militia of any state as sufficient education or experience to sit for examination.

(2) Acknowledgement of Military and Federal Government Personnel and Military Spouses

(a) After receiving military orders or federal government transfer to the State of Alabama, the Board may waive the heating and air conditioning and/or refrigeration examination for military or Federal Government personnel and military spouses who hold a current and valid heating and air conditioning, refrigeration, or mechanical license or certification in another state, district, or territory of the United States, or in any branch of the United States Armed Forces, including the National Guard, with licensing or certification; or U.S. Dept of Justice, FBI, U.S. Attorney's Office, Bur of ATF, DEA(Drug), U.S. Marshall Services and NASA

(b) The Board will waive the licensing fee for military spouses upon initial certification during a transfer of station ordered by the Armed Forces or reserves of the United States.

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §§31-12A-2, §§31-1-6.
History: New Rule: Published November 30, 2021; effective: January 14, 2022. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .17 was renumbered .16 as per certification published November 30, 2022; effective January 14, 2023.

ALABAMA BOARD OF HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADMINISTRATIVE CODE

CHAPTER 440-X-4 CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED CONTRACTORS

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440-X-4-.01 Definitions.

(1) Board Approved Continuing Education Provider: An individual; partnership; association; organization; educational institution; or governmental agency, offering continuing education for heating and air conditioning, and refrigeration contractors that meet Board criteria for approval and are assigned an issued a Provider ID by the Board.

(2) Board Approved Continuing Education Instructor: May be a certified HVAC contractor, certified refrigeration contractor, industry expert professional, or otherwise qualified individual. When the instructor is not a certified contractor, there shall be evidence of knowledge, skill, and experience of the heating, air conditioning and refrigeration industry.

(3) Board Approved Continuing Education Course: A course that meets the definition of continuing education and has been approved by the Board to be administered by a board approved provider. A course may be a program of multiple sessions or a single session lasting at least two hours.

(4) Continuing Education: Planned, organized learning experiences designed to augment the knowledge, skill, and ability to enhance the knowledge of a certified contractor and therefore improve the installation, service or repair of HVAC or commercial refrigeration equipment to the consumer.

(5) Continuing Education Hours: Unit of measurement of continuing education that meets Board criteria for approval and lasts at least two hours.

(6) Provider ID: A permanent, nontransferable number assigned by the Board to designate an approved provider.

(7) Education Committee: An annually designated committee consisting of at least one Board member and the executive director that assist in the review and continuation of the Board's continuing education program and prelicensure program.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: **New Rule:** Published May 31, 2022; effective July 15, 2022.

440-X-4-.02 Continuing Education General Standards.

(1) All certified contractors shall be individually accountable for continued competence to renew annually.

(2) The Board may prescribe additional continuing education courses as disciplinary action.

(3) All certified contractors shall meet continuing education requirements as stated in Section 34-31-26 Code of Ala. 1975.

(4) Continuing education is not required for the first year a contractor holds a certification.

(5) Failure to complete the minimum continuing education requirements before November 1st annually will prevent the renewal of a certified contractor's license until proof of compliance is submitted to the Board.

(6) Units of measure for continuing education in hours. One hour equals at least 50 minutes.

(7) Continuing education hours are awarded in increments of two hours not to exceed eight hours.

(8) Certified contractors may roll over up to four hours on an annual basis.

(9) The Board may accept continuing education earned from an alternative continuing education provider by submitting a request for approval of non-traditional continuing education.

(10) Continuing education courses and activities may not be repeated within the earning period for credit.

(11) Proof of compliance with the continuing education requirements must be submitted to the Board before November 1st annually.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: Filed August 20, 1986. **Amended:** Filed July 12, 1988; December 29, 1988. **Emergency rule** filed April 16, 1992. **Amended:** Filed June 8, 1992. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Published December 31, 2019; effective February 14, 2020. **Repealed and New Rule:** Published May 31, 2022; effective July 15, 2022.

Ed. Note: Rule .01 was renumbered .02 per certification published May 31, 2022; effective July 15, 2022.

440-X-4-.03 Deficiency.

The Board may implement a continuing education credit hour deficiency policy in the event a certified contractor cannot submit their continuing education hours before November 1 annually. A contractor must appeal in writing for Board approval for a continuing education credit hour deficiency extension after November 1st but before January 1st annually. The written appeal must outline in detail the contractors plan, including intended date of completion, before consideration will be given.

The fee for deficiency approval may not exceed one hundred dollars ($100).

All applications for a continuing education deficiency extension must be received by the Board prior to December 30, of the year in which the license certification was to be renewed. Late fees will apply if the deficiency extends past December 31 annually.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: **New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Published January 31, 2020; effective March 16, 2020. **Repealed and New Rule:** Published May 31, 2022; effective July 15, 2022.

440-X-4-.04 Education Committee.

(1) The Board may designate an Education Committee on an annual basis to assist in the development of a curriculum of courses each year. The Board may charge fees for reviewing continuing education providers, courses, instructors, and non-traditional continuing education course applications to the applicant.

(2) The Education Committee shall be tasked with the following duties:

(a) Approve all pre-licensure curricula applications;

(b) Approve apprentice/technician curricula;

(c) Approve or deny course applications that meet the requirements for Board Approved Continuing Education Course;

(d) Approve or deny provider applications that meet the requirements for Board Approved Continuing Education Providers;

(e) Approve or deny instructor applications that meet the requirements for Board Approved Continuing Education Instructors;

(f) Approve or deny applications for non-traditional continuing education.

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: New Rule: Published May 31, 2022; effective July 15, 2022.

440-X-4-.05 Qualifications And Standards For Board Approved Providers And Instructors.

(1) An application for approval as a Board approved provider of continuing education shall submit to the Board the required fee and a complete application that demonstrates:

(a) An organized plan for quality continuing education for heating and air conditioning or refrigeration contractors;

(b) The mission and objectives of the provider;

(c) Policies and procedures for implementation and evaluation of the educational programs and the educational unit;

(d) An identifiable educational unit with designated qualified personnel and resources for conducting an organized plan of continuing education.

(2) Approved providers are accountable for the quality, accuracy and veracity of continuing education provided.

(3) Approved providers are responsible for ensuring the instructor(s) possess qualifications appropriate to the content of the activity.

(4) Approved providers shall submit electronic records of all contact hours awarded to certified contractors to the Board in a format and method specified by the Board.

(5) Records and reports shall be maintained for a minimum of two years.

(6) An assigned provider number shall be issued upon approval of the entity as an approved provider of continuing education.

(a) The Board Approved Provider ID does not expire, provided standards for approval are maintained;

(b) The provider ID shall be listed on course announcements, certificates, records, and reports including all correspondence with the Board;

(c) Name of entity attached to the Board assigned provider number may be changed upon written request from the contact person or administrator.

(7) Withdrawal of approval as a provider may occur if the provider fails to adhere to requirements in these rules. Grounds for withdrawal of approval include, but are not limited to:

(a) Lack of qualified personnel for planning and conducting continuing education for industry contractors,

(b) Inadequate record maintenance,

(c) Fraud, deception, or misrepresentation relating to the educational program,

(d) Failure to comply with request for documents, submitting false, inaccurate, or incomplete evidence of continuing education programs conducted, and certificates issued,

(e) Aiding or abetting a licensee who fails to meet the continuing education requirement by altering or falsifying certificates.

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.

History: **New Rule:** Published May 31, 2022; effective July 15, 2022.

440-X-4-.06 **Application For Continuing Education Course Standards.**

(1) An application for course approval from an approved provider of continuing education shall be submitted to the Board with the required fee.

(2) The Board will consider proposed courses and curricula for approval only after a review of the proposal by the Board's Education Committee. Requests for approval of proposed courses and curricula shall contain:

(a) Detailed information regarding the instructors to be used;

(b) The proposed facilities or platform, including equipment to be utilized in instruction;

(c) A detailed course syllabus, which shall include a sufficient description of the planned instruction, resource materials, and textbooks involved in the instruction;

(d) The number of contact hours and continuing education hours requested.

(3) Acceptable content for continuing education courses shall include one or more of the following:

(a) Technology, procedures, and industry related applications;

(b) Specialty areas of heating and air conditioning and refrigeration practices;

(c) HVAC techniques, indoor air quality, system controls, and safety factors;

(d) Administration, management, and supervision in heating, air conditioning, or related trade;

(e) Heating and air conditioning and/or refrigeration education;

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: **New Rule:** Published May 31, 2022; effective July 15, 2022.

440-X-4-.07 Denial Of Application For Course Or Curricula; Request For Reconsideration.

(1) The Board may deny any education related application that fails to meet the established standards of the Board or which the Board considers inadequate to properly educate its certified contractors. The Board may consider requests for reconsideration for applications which have been denied upon a submission of a written request to the Board.

(2) Upon approval of a proposed course or curriculum by the Board, the Board shall require the Board approved provider to execute a written agreement to conduct the Board approved course and curriculum in accordance with the terms of the Board's approval process. This agreement shall be signed by the applicant for course and curriculum approval.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: New Rule: Filed April 9, 2003; effective May 14, 2003.
Amended: Filed August 14, 2009; effective September 18, 2009.
Repealed and New Rule: Published May 31, 2022; effective July 15, 2022.

Ed. Note: Rule .05 was renumbered .07 per certification published May 31, 2022; effective July 15, 2022.

440-X-4-.08 Revocation, Suspension, Termination Of Course Or Curricula.

(1) The Board may revoke, suspend, or terminate any provider, course, instructor, or curriculum approval if the Board determines that a course provider or curriculum has failed to comply with the Rules of the Board or its education requirements or has failed to comply with its written agreement regarding conduct of the approved course or curriculum.

(2) The Board may request that a course provider reapply to the Board for approval if the provider has not held any classes for continuing education credit or submitted a roster to the Board for a period of four years. The provider will be required to submit a new application along with all appropriate fees to the Board for approval prior to holding a class for continuing education credit.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: New Rule: Filed April 9, 2003; effective May 14, 2003.
Amended: Filed August 14, 2009; effective September 18, 2009.
Repealed and New Rule: Published May 31, 2022; effective July 15, 2022.

Ed. Note: Rule .07 was renumbered .08 per certification published May 31, 2022; effective July 15, 2022.

440-X-4-.09 Over 65 Years Of Age Exemption From Continuing Education Requirements For Inactive Contractors Only.

(1) Any INACTIVE contractor who is 65 years of age or older is exempt from continuing education requirements. The inactive contractor is not eligible for this exemption until the year after they turn 65 years old. This exemption does not apply for the year in which the inactive contractor turns 65 years old.

(a) Example: (1) If the inactive contractor is 64 on January 1, 2010 and turns 65 on January 2, 2010 the inactive contractor does not qualify for the exemption for the 2010 licensing year, however the inactive contractor will qualify for the exemption during the renewal period for the 2011 licensing year.

(b) Example: (2) If the inactive contractor turns 65 on December 31, 2009 they would qualify for the exemption and not be required to have 4 hours of continuing education to renew for 2010 licensing year because their birthday occurred prior to the 2010 licensing year.

(2) Once the inactive contractor returns to active status after the age of 65, they will be required to submit 8 hours of Continuing Education prior to receiving an active contractor's license.

(3) This exemption DOES NOT apply to contractors 65 years or older who hold an ACTIVE certification.
Author: Jeffery M. Becraft, Kathy S. Byrom
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: New Rule: Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published May 31, 2022; effective July 15, 2022.

440-X-4-.10 First Year Continuing Education Exemption.

A certified contractor is not required to obtain four (4) hours of continuing education hours to renew their license for the first renewal year following the year he or she received their initial license.
Author: Jeffrey Becraft, Kathy S. Byrom
Statutory Authority: Code of Ala. 1975, §31-31-32.

History: New Rule: Filed March 6, 2013; effective April 10, 2013. **Repealed and New Rule:** Published May 31, 2022; effective July 15, 2022.

ALABAMA BOARD OF HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADMINISTRATIVE CODE

CHAPTER 440-X-5 MINIMUM STANDARDS FOR INSTALLATION, SERVICE, AND REPAIR OF HEATING, AIR CONDITIONING AND REFRIGERATION SYSTEMS BY CERTIFIED CONTRACTORS

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440-X-5-.01 Definitions.

(1) Minimum Standard: The basic or minimum requirements allowable by the Board as it pertains to the installation, service, and repair of residential and commercial heating and air conditioning, and commercial refrigeration equipment.

(2) Installation: The act of installing, placing, or permanently affixing residential and commercial heating and air conditioning, and commercial refrigeration equipment.

(3) Service: The act of performing routine maintenance to or on residential and commercial heating and air conditioning, and commercial refrigeration equipment.

(4) Repair: The act of fixing or mending residential and commercial heating and air conditioning, and commercial refrigeration equipment.

(5) Certification Number: A unique number assigned to each heating and air conditioning contractor entity, or refrigeration contractor entity upon issuance of a certification.

(6) Business Name: The company name printed on the certification under which any entity is certified by this Board.

(7) Residential Heating and Air Conditioning System: A heating and/or cooling apparatus consisting of an air heating and/or cooling fixture from pipes, plenums, or blowers including any accessory and equipment installed in a one or two person dwelling for the use of human comfort as defined in the International Residential Code.

(8) Commercial Heating and Air Conditioning System: A heating and/or cooling apparatus consisting of an air heating and/or cooling fixture from pipes, plenums, or blowers including any accessory and equipment installed in a commercial structure or building for the use of human comfort as defined in the International Building Code.

(9) Commercial Refrigeration System: The use of mechanical or absorption equipment to control temperature, humidity, or both, in order to satisfy the intended use of a specific space, other than for human comfort person as defined in Section 34-31-18(10), Code of Ala. 1975.

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-21(g).
History: New Rule: Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule No. 440-X-3-.01 was renumbered 02, and Replaced as New Rule .01, Definitions, as per certified published November 30, 2022; effective January 4, 2023.

440-X-5-.02 Minimum Standards For Installation, Service Or Repair Of Residential And Commercial Heating And Air Conditioning, And Commercial Refrigeration.

(1) Pursuant to Section 34-31-21(g), Code of Ala. 1975, the Board adopts the following minimum standards for the installation, service or repair of residential heating and air conditioning system, and all certified heating and air conditioning contractors shall comply with the minimum standards required by:

(a) ACCA/Manual J as described in Load Calculation for Residential Winter and Summer Air Conditioning;

(b) ACCA/Manual D as described in Duct Design for Residential Winter and Summer Air Condition and Equipment Selection;

(c) International Residential Code; including appendices;

(d) International Fuel Gas Code;

(e) NFPA 70 National Electrical Code;

(f) NAIMA Fibrous Glass Duct Construction;

(g) SMACNA HVAC Duct Construction Standards, Metal and Flexible

(h) ACCA, Trane, or equivalent ductulators;

(i) NASLCA Contractors Guide to Business, Law and Project Management

(j) Brand specific manufacturers installation instructions;

(k) Any minimum standards required and described by applicable local, State, and Federal codes or ordinances, as well as any and all applicable Alabama agencies, Board's and Commissions' rules and regulations. Where there is conflict between the minimum standards adopted by the Board and the applicable local, State, or Federal codes or ordinances or any applicable Alabama agency, Board or Commission's, rules and regulations, the most restrictive will govern;

(l) ADC Flexible Air Duct Standards.

(2) Pursuant to Section 34-31-2l(g), Code of Ala. 1975, the Board adopts the following minimum standards for the installation, service or repair of commercial heating and air conditioning system, and all certified heating and air conditioning contractors shall comply with the minimum standards required by:

(a) ACCA/Manual N as described in Load Calculation for Commercial Summer and Winter Air Conditioning;

(b) ACCA/Manual Q as described in Low Pressure, Low Velocity, Duct System Design;

(c) International Mechanical Code; including appendices;

(d) International Fuel Gas Code and appendices;

(e) NFPA 70 National Electrical Code;

(f) ASHRAE Standard 15-2019 as described in Safety Standard for Mechanical Refrigeration;

(g) NAIMA Fibrous Glass Duct Construction;

(h) SMACNA HVAC Duct Construction Standards, Metal

(i) ACCA, Trane, or equivalent ductulators;

(j) NASLCA Contractors Guide to Business, Law and project management

(k) Brand specific manufacturers installation instructions;

(l) Any minimum standards required and described by applicable local, State, and Federal codes or ordinances, as well as any and all applicable Alabama agencies, Board's and Commissions' rules and regulations. Where there is conflict between the minimum standards adopted by the Board and the applicable local, State, or Federal codes or ordinances or any applicable Alabama agency, Board or Commission's, rules and regulations, the most restrictive will govern.

(m) ADC Flexible Air Duct Standards

(3) Pursuant to Section 34-31-21{g}, Code of Ala. 1975, the Board adopts the following minimum standards for the installation, service or repair of commercial refrigeration systems, and all certified refrigeration contractors shall comply with the minimum standards required by:

(a) International Mechanical Code; including appendices;

(b) NFPA 70 National Electrical Code;

(c) ASHRAE Standard 15-2019 as described in Safety Standard for Mechanical Refrigeration;

(d) NASLCA Contractors Guide to Business, Law and Project Management;

(e) Brand specific manufacturers installation instructions;

(f) Any minimum standards required and described by applicable local, State, and Federal codes or ordinances, as well as any and all applicable Alabama agencies, Board's and Commissions' rules and regulations. Where there is conflict between the minimum standards adopted by the Board and the applicable local, State, or Federal codes or ordinances or any applicable Alabama agency, Board or Commission's, rules and regulations, the most restrictive will govern.

Author: Jeffrey Becraft
Statutory Authority: Code of Ala. 1975, §34-31-21(g).
History: Filed August 20, 1986. **Amended:** Filed July 12, 1988. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed October 15, 2008; effective November 19, 2008. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Filed March 6, 2013; effective April 10, 2013. **Amended:** Published December 31, 2019; effective February 14,

2020. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .01 was renumbered .02 as per certification published November 30, 2022; effective January 14, 2023.

440-X-5-.03 Compliance With Updated Or Amended Versions.

All certified contractors shall be required to provide the Board, if requested, a copy of the heat gain, heat loss, duct sizing, gas piping calculations drawings or other information used by the certified contractor or concerning the installation, service, and repair of heating, air conditioning or refrigeration systems by the certified contractor.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-21(g).
History: Filed August 20, 1986. **Amended:** Filed July 12, 1988. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .02 was renumbered .03 as per certification published November 30, 2022; effective January 14, 2023.

440-X-5-.04 Obligation To Furnish Information Regarding Installation, Service, Or Repair Of A Residential Or Commercial Heating And Air Conditioning System Or Commercial Refrigeration System.

All certified heating and air conditioning contractors and certified refrigeration contractors shall be required to provide the Board, upon request, a copy of all heat gain, heat loss, duct design plans, gas piping plans, other load calculations, or drawings, and any information used by the certified contractor pertaining to the installation, service, and/or repair of residential or commercial heating, air conditioning systems, and/or commercial refrigeration systems.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-21(g).
History: Filed August 20, 1986. **Amended:** Filed July 12, 1988. **Amended:** Filed June 9, 1999; effective July 14, 1999. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .03 was renumbered .04 as per certification published November 30, 2022; effective January 14, 2023.

440-X-5-.05 Gas Connections.

(1) Certified heating and air conditioning contractors, who do not hold the appropriate gas fitters license when performing work on heating, air conditioning or refrigeration systems involving gas connections, shall work only the gas piping after the shut off valve to the unit located ahead of all controls.

(2) Certified heating and air conditioning contractors shall conform and abide by all city, county, and state codes regarding permits, licenses, and inspections for gas appliance, installation and change outs.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-21(g).
History: Filed August 20, 1986. **Amended:** Filed July 12, 1988; May 18, 1992. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .04 was renumbered .05 as per certification published November 30, 2022; effective January 14, 2023.

440-X-5-.06 Heating Air Conditioning Systems In Modular Or Manufactured Housing.

(1) Any heating and air conditioning system installation, service, or repair in a previously inspected modular or manufactured housing, by the Alabama Manufactured Housing Commission; is under contractual agreement between the owner of the structure and the certified contractor and is within the regulatory authority of the Board. Any individual performing such work is required to be certified by the Board.

(2) The Board will refer complaints involving heating and air conditioning systems in newly titled modular or manufactured housing to the Alabama Manufactured Housing Commission established by Alabama law.

(3) The Board will investigate all illegal or uncertified individuals involved in the installation service, or repair of a heating and air conditioning system performed in a previously inspected modular or manufactured home.

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §34-31-21(g).
History: Filed August 20, 1986. **Amended:** Filed July 12, 1988; February 21, 1991. **Amended:** Filed November 5, 1996; effective December 10, 1996. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .05 was renumbered .06 as per certification published November 30, 2022; effective January 14, 2023.

440-X-5-.07 Display Of Certification Number And Business Name.

(1) Every certified contractor shall display in a prominent, legible manner, The State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractor's certification number and company name on all service and/or installation vehicles used in conjunction with heat and air conditioning contracting. The company name and Alabama certification number shall:

(a) Be at least two inches in height;

(b) Be displayed on at least two sides of the vehicle;

(c) Display the phrase "AL Number"; "AL No."; or "AL#" immediately before the certification number in equal sized print.

(2) Every certified contractor shall display in a prominent, legible manner, The State of Alabama Board of Heating, Air Conditioning and Refrigeration Contractor's certification number and company name on all documentation and forms of advertising, including but not limited to letterhead, proposals, estimates, service tickets, contracts, work orders, receipts, business cards, yellow page advertisements, flyers, bulletins, mail solicitation, billboard advertisements, television commercials, radio commercials, websites; in conjunction with heat and air conditioning contracting. The company name and Alabama certification number shall:

(a) Display the phrase "AL Number," "AL No." or "AL#" immediately before the certification number in equal sized print.

(b) Failure to comply with this provision constitutes a cause for disciplinary action.
Author: Jeffrey Becraft : Code Act No. Statutory Authority of Ala. 1975, §31-31-26; 2009-486.
Statutory Authority:

History: Filed June 19, 2009. **New Rule:** Filed August 14, 2009; effective September 18, 2009. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023.

Ed. Note: Previous Rule .06 was renumbered .07 as per certification published November 30, 2022; effective January 14, 2023.

ALABAMA BOARD OF HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADMINISTRATIVE CODE

CHAPTER 440-X-6 DISCIPLINARY AND COMPLIANCE PROCEEDINGS

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440-X-6-.01 Definitions.

(1) Consumer Complaint: A complaint initiated by any written notice from a consumer that a certified contractor has performed substandard installation, service, or repair of a heating and air conditioning, or commercial refrigeration system

(2) Board Complaint: A complaint initiated by a Board compliance officer, certified contractors, or municipal, county, or state official charged with the responsibility of issuing building or similar permits.

(3) Administrative Complaint: A legal document which contains notice of the time and place of an administrative hearing; contains a statement of the charges against the certified contractor; and complies with the notice provisions for contested cases as set forth in the Alabama Administrative Procedures Act.

(4) Fine: A monetary penalty imposed by the Board.

(5) Settlement Agreement: Informal offer to resolve a consumer or Board compliant in lieu of the administrative compliant process.

(6) Consent Agreement: Informal offer to resolve a complaint involving an unlicensed contractor in lieu of criminal proceedings.

(7) Private Reprimand: Letter of disciplinary action to formally reprove or censure a certified contractor for unprofessional or unlawful conduct, with the documentation of the action being classified as a private record

(8) Public Reprimand: Letter of disciplinary action to formally reprove or censure a certified contractor for unprofessional or unlawful conduct, with the documentation of the action being part of the contractor's licensure file and may be published online or in the Board's newsletter.

(9) Probation: The monitored practice of heating and air conditioning or refrigeration which permits the certified contractor to continue to work pursuant to specified conditions as set forth by the Board.

(10) Revocation: The withdrawal of the license by Board action

(11) Suspension: The temporary withdrawal of the license by Board action.

(12) Voluntary Surrender: The voluntary relinquishment of a license that has the force and effect of revocation.

(13) Violation Letter: A letter from the Board detailing each violation found during an investigation into a consumer complaint.

(14) Letter of Closure: A letter from the Board notifying a contractor that no probable cause has been found after an investigation into a Board or consumer complaint.

(15) Investigative Committee: A committee comprised of at least one Board member; the executive director of the Board; and the Board's attorney which determine whether probable cause exists to discipline a certified contractor or unlicensed contractor. The Board shall name the Board member to serve on the Investigative Committee on an annual basis.
Author: Jeffrey M. Becraft; Ellen Leonard
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: New Rule: Published November 30, 2021; effective: January 14, 2022.

440-X-6-.02 Violations Of State Law And Rules Of The Board Of Heating, Air Conditioning And Refrigeration Contractors.

(1) All entities, municipality, county, or state official charged with the duty of issuing mechanical or similar permits shall report to the Board the name and contact information of any individual in violation of Alabama law and/ or the rules and

regulations set forth by the Board of Heating, Air Conditioning and Refrigeration Contractors.

(2) The Board may reprimand, fine, probate, or suspend the license of a certified contractor and/or otherwise discipline a contractor engaging in the business of heating and air conditioning or refrigeration installation, service, or repair.
Author: Jeffrey M. Becraft; Ellen Leonard
Statutory Authority: Code of Ala. 1975, §§34-31-21; 34-31-32.
History: New Rule: Filed April 9, 2003; effective May 14, 2003. **Repealed and New Rule:** Filed April 9, 2003; effective May 14, 2003. **Repealed and New Rule:** Published November 30, 2021; effective January 14, 2022.

Ed. Note: Original Rule .01 was renumbered .02 per certification published November 30, 2021; effective: January 14, 2022.

440-X-6-.03 Investigative Committee.

The Investigative Committee shall be comprised of at least one Board member; the executive director of the Board; and the Board's attorney. The Board shall name the Board member to serve on the Investigative Committee on an annual basis.

(1) No Board members shall serve more than two (2) consecutive complete annual terms on the Investigative Committee.

(a) The Board Chairman shall have the power to replace or remove the designated Board member serving on the Investigative Committee due to any vacancy in the Board member position caused by any reason.

(b) The Board Chairman or Executive Director may name a Board member to serve as a substitute appointment to the Investigative Committee for any specific investigation or complaint in which the Board member has recused themselves or is disqualified from participating due to a conflict of interest, including involvement in the investigation as a possible witness to the facts.

(2) The Investigative Committee shall review the investigation and complaint to determine whether probable cause exists for disciplinary action or formal revocation proceedings by the Board.

(3) Any Board member participating in the probable cause determination by the Investigative Committee shall recuse themselves in any disciplinary proceedings of the Board arising from that investigation.
Author: Jeffrey M. Becraft; Ellen Leonard
Statutory Authority: Code of Ala. 1975, §31-31-32.

History: New Rule: Filed April 9, 2003; effective May 14, 2003. **Repealed and New Rule:** Published November 30, 2021; effective January 14, 2022.

440-X-6-.04 Initiation Of Compliance Investigation.

(1) The Board may initiate investigations, as it deems appropriate, to determine compliance with state law and the rules and regulations of the Board including the competency, ability, and integrity of an individual certified or registered by the Board.

(2) The Board shall consider consumer complaints which must include the following:

(a) The name of the certified contractor.

(b) The name and contact information (telephone number, email address, etc.) of the complainant.

(c) Specific allegation(s) which, if substantiated through investigation, would constitute violation(s) of the Board of Heating, Air Conditioning & Refrigeration Law (Code of Ala. 1975, §34-31-18, et. seq.) or the Alabama Board of Heating, Air Conditioning & Refrigeration Administrative Code (Rules and Regulations).

(3) Upon receipt of a written complaint the Executive Director and staff will review the information to determine if a certified contractor has potentially violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action, the Executive Director shall then provide for an investigation by Board staff to determine if there is sufficient evidence to warrant disciplinary proceedings.

(4) The Board shall retain the authority to pursue or discontinue any investigation based on the information obtained in during the investigation of a complaint.

(5) The Board may require a certified contractor to submit a written and sworn statement to the Board in response to any complaint or investigation by the Board.

(6) All reports of investigations of complaints against certified contractors shall be submitted to the Investigative Committee prior to moving forward with disciplinary action.

(7) When an investigation concludes no probable cause exists to move forward with disciplinary action the complaint file shall be closed, and a letter of closure issued. The complaint may be

reinvestigated within the jurisdictional timeframe set by the Board if circumstances so warrant.

(8) The Board shall refer any investigation involving possible criminal violations of state law to the State Attorney General or other appropriate state, county or local law enforcement agency.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: New Rule: Filed April 9, 2003; effective May 14, 2003.
Repealed and New Rule: Published November 30, 2021; effective January 14, 2022.

Ed. Note: Original Rule .02 was renumbered .04 per certification published November 30, 2021; effective: January 14, 2022.

440-X-6-.05 Action Following Investigation.

The investigative committee or its designee shall have the power to act on the report of the investigation as follows:

(1) Dismiss a complaint with a letter of closure If following its investigation, the Investigative Committee determines that no probable cause exists to proceed with disciplinary action, the compliance investigation shall be terminated, and the investigation closed.

(2) Offer a settlement agreement which may include a public reprimand, private reprimand, probation, suspension and/or fines.

(3) Private reprimand

(4) Public reprimand

(5) Suspension of certification for a Specified Period of Time

(6) Revocation of Certification.

(7) Accept voluntary surrender of a license of a certified contractor.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: New Rule: Filed April 9, 2003; effective May 14, 2003.
Repealed and New Rule: Published November 30, 2021; effective January 14, 2022.

440-X-6-.06 Informal Disciplinary Proceedings.

(1) The Board may offer an informal settlement to any individual involved in an investigation to resolve the administrative complaint or investigation by the Board. Neither the Board nor any other party is obligated or required to use informal settlement procedures or to participate in informal settlement negotiations and any informal settlement shall be to terms that are negotiated to be in the best interest of the Board and the public and shall not become final until ratified and approved by the Board. All informal settlement agreements ratified and approved by the Board shall be incorporated by reference in the official minutes of the Board.

(2) The Board may issue a public reprimand that may be published online or in the annual newsletter.

(3) The Board may issue a private reprimand that is sealed to the public.
Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §§31-31-31.
History: New Rule: Filed April 9, 2003; effective May 14, 2003.
Repealed and New Rule: Published November 30, 2021; effective January 14, 2022.

440-X-6-.07 Administrative Proceedings.

(1) When the Investigative Committee recommends a suspension or revocation, the certified contractor is entitled to a hearing.

(2) At least twenty days prior to the administrative hearing, an administrative complaint shall be served on the certified contractor as follows:

(a) Personal service made by a Board Compliance Officer.

(b) If the certified contractor out of state, evades service, or cannot be served personally, service shall be made by registered or certified mail to the last known post office mailing address shown on the records of the Board.

(c) If the certified contractor is represented by an attorney who has filed a notice of appearance with the Board, service shall be made on the attorney personally or by registered or certified mail.

(3) The Board's administrative complaint may be amended without leave of the hearing officer prior to the hearing so long as the

amendment is germane to the charge or charges and does not materially alter the nature of any offense charged. Any amended administrative complaint will be served on the certified contractor being charged.

(4) Requests for subpoenas shall be filed with the Board at least ten days prior to the administrative hearing along. Any expenses incurred relative to subpoenas requested by a Respondent, either for witnesses or related to production of documents, are the responsibility of the party who requested the issuance of said subpoena.

(5) The administrative hearing shall be conducted by a hearing officer provided by the Board. All testimony shall be under oath and shall be transcribed by a court reporter scheduled by the Board. Telephonic or other real-time electronic testimony is admissible at the discretion of the hearing officer.

(6) A continuance may be granted by the hearing officer, upon the filing of a written motion detailing the reasons for the continuance.
Author: Jeffrey M. Becraft; Ellen Leonard
Statutory Authority: Code of Ala. 1975, §31-31-32.
History: New Rule: Filed April 9, 2003; effective May 14, 2003.
Repealed and New Rule: Published November 30, 2021; effective January 14, 2022.

440-X-6-.08 Decision Of The Board.

(1) Based upon the evidence presented at the administrative hearing or pursuant to informal disposition, the Board may take one or more of the following actions:

(a) Dismiss the administrative complaint in its entirety or any alleged violation in the complaint.

(b) Find the respondent not guilty of any or all the violations alleged in the administrative complaint.

(c) Find the respondent guilty of any or all the violations alleged in the administrative complaint. If the Board finds the respondent guilty of one or more of the violations alleged in the administrative complaint, the Board may take one or more of the following disciplinary actions against the respondent:

1. Reprimand the respondent.

2. Require additional continuing education hours.

3. Suspend the respondent's certification.

4. Revoke the respondent's certification.

5. Levy a fine not to exceed $2,000.00 per violation.

(2) The decisions of the Board shall be in writing in the form of an Order, a copy of which shall be mailed or delivered to the respondent or the respondent's attorney.

(3) The decisions of the Board shall be subject to public dissemination, including but not limited to the required reporting of disciplinary actions to all federal databanks.

(4) Section 34-31-33 requires judicial review of decisions of the Board, if requested, be sought I the Circuit Court of Montgomery County, Montgomery, Alabama. Appeals are to be perfected in accordance with the Alabama Administrative Procedures Act and a petition shall be filed either in the Circuit Court of Montgomery County or in the circuit court of the county in which the agency maintains its headquarters, or unless otherwise specifically provided by statute, in the circuit court of the county where a party other than an intervenor, resides or if a party, other than an intervenor, is a corporation, domestic or foreign, having a registered office or business office in this state, then in the county of the registered office or principal place of business within this state.

Author: Jeffrey M. Becraft
Statutory Authority: Code of Ala. 1975, §31-31-33.
History: New Rule: Filed April 9, 2003; effective May 14, 2003.
Repealed and New Rule: Published November 30, 2021; effective January 14, 2022.

APA-3

CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Tuesday, October 20, 2026, and filed with the agency secretary on Tuesday, October 20, 2026.

AGENCY NAME: Home Builders Licensure Board

INTENDED ACTION: New

RULE NO.: Chapter 465-X-10

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **465-X-10-.02, amend the Title from Residential Building Code Fund to Residential Building Code Authority, Division and Responsibilities. 465-X-10-.07(4), change footnote f to footnote i. These are not substantive amendments to the rule, but rather correcting typographical errors made during the drafting and publication process.**

RULE TITLE: Alabama Residential Building Code

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes. The public comments submitted involved Rule 465-X-10-.07, (energy code rule). The comments were for the Board to consider adoption of the 2024 IECC without amendments or with different amendments. Specifically, the requests involve provisions within the rule related to air tightness, ventilation testing, and other energy code requirements. These comments were duly considered but not adopted by the Board, as all of these options had been considered and evaluated by the 17-member residential building code advisory council during its year plus effort to draft the proposed statewide residential building and energy codes. The remaining comments were questions the staff was able to answer satisfactorily related to technical code questions and the administrative rules adoption process, start to finish.

REC'D & FILED
OCT 20, 2026
LEGISLATIVE SVC AGENCY

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLIV, ISSUE NO. 11, AAM, DATED MONDAY, AUGUST 31, 2026.

STATUTORY RULEMAKING AUTHORITY: Alabama Code Section 34-14A-11

APA-3

(Date Filed)
(For LRS Use Only)

J. Seth Gowan

Seth Gowan

Certifying Officer or his or her Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

HOME BUILDERS LICENSURE BOARD
ADMINISTRATIVE CODE

CHAPTER 465-X-10
ALABAMA RESIDENTIAL BUILDING CODE

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465-X-10-.03	Alabama Residential Building Code Fund
465-X-10-.04	Alabama Residential Building Code Advisory Council Membership, Meetings, Responsibilities and Authority.
465-X-10-.05	Alabama Residential Building Code
465-X-10-.06	The 2024 International Residential Code (IRC) with the following amendments, deletions and modifications pursuant to Code of Ala. 1975 §§34-14A-12, 34-14A-12.1 and 34-14A-12.2
465-X-10-.07	The 2024 International Energy Conservation Code (IECC) with the following amendments, deletions and modifications pursuant to Code of Ala. 1975, Sections 34-14A-12, 34-14A-12.1 and 34-14A-12.2
465-X-10-.08	Roof Construction Standards

465-X-10-.01 Purpose.

The Alabama Residential Building Code Division is established within the Alabama Home Builders Licensure Board and to be responsible for the implementation and action upon recommendations made by the Alabama Residential Building Code Advisory Council and ratified by the Board.

Author: J. Seth Gowan, Lauren Kloess Latham, Lannie Smith.

Statutory Authority: Code of Ala. 1975. §§ 34-14A-11, 34-14A-41, 34-14A-42, and 34-14A-43.

History: New Rule: Published ~~_____~~October 30, 2026; effective ~~_____~~December 14, 2026.

465-X-10-.02 Alabama Residential Building Code ~~Fund~~Authority, Division and Responsibilities..

1. The Board Executive Director may employ staff as necessary to carry out the responsibilities of the division as recommended by the council and ratified by the Board for the administration and implementation of the code.

2. Staff may include a division administrator, programs support personnel, and any other personnel necessary.

3. The division shall take action upon recommendations made by the Alabama Residential Building Code Advisory Council and ratified by the Board.

4. The Board, through the division may coordinate with the State Energy Office to identify and apply for funds from federal grant programs and other applicable funding sources authorized by law; or may also assist local jurisdictions in participation of programs and obtaining funding related to the residential building and energy code.

5. The division shall use funds distributed to the Alabama Residential Building Code Fund as established pursuant to Code of Ala. 1975 § 34-14A-44 for the purpose of administering the Alabama Residential Building Code.

6. Subject to availability of funds and upon request from a local jurisdiction, the division may provide matching funds to local jurisdictions that have applied for federal funds from federal grant programs and other applicable funding sources authorized by law to support local adoption and implementation of the Alabama Residential Building Code.

7. The division shall work with the State Energy Office to ensure that all applicable federal regulations regarding the residential energy code are met.

8. The division shall be responsible for the administration of council recommendations conditioned upon Board adoption.

Author: J. Seth Gowan, Lauren Kloess Latham, Lannie Smith
Statutory Authority: Code of Ala. 1975. §§ 34-14A-11, 34-14A-41, 34-14A-42, and 34-14A-43.
History: New Rule: Published ~~_____~~October 30, 2026; effective ~~_____~~December 14, 2026.

465-X-10-.03 Alabama Residential Building Code Fund.

1. The Alabama Residential Building Code Fund is established for the purpose of the administration of the Residential Building Code division, to include implementation and administration of the Alabama Residential Building Code as recommended by the Council and ratified by the Board.

2. The fund may be used for personnel costs related to division responsibilities for the administration, implementation and promotion of the Alabama Residential Building Code and subject to the availability of funds.

3. Any unencumbered balance of up to 25 percent appropriated for a fiscal year shall carryover to the next fiscal year within the fund, and any unencumbered balance over 25 percent at the end of a fiscal year shall revert to the State General Fund.

Author: J. Seth Gowan, Lauren Kloess Latham, Lannie Smith
Statutory Authority: Code of Ala. 1975. §§ 34-14A-11, 34-14A-41, 34-14A-42, and 34-14A-43.
History: New Rule: Published ———October 30, 2026; effective ———December 14, 2026.

465-X-10-.04 Alabama Residential Building Code Advisory Council Membership, Meetings, Responsibilities and Authority..

1. The council membership shall consist of members pursuant Ala. Code § 34-14A-80.

2. The council shall conduct the first meeting by March 1, 2025, to elect a chair, vice-chair and any other officers it deems necessary.

3. The administrator of the division shall serve as ex-officio secretary of the council to keep record of the proceedings and perform other duties as directed by the council.

4. The council shall submit to the Board for adoption, the proposed Alabama Residential Building Code by October 1, 2025, to be either accepted or rejected by the Board.

5. The council shall set the published edition(s) of the International Residential Code (hereinafter the "IRC") and International Energy Conservation Code, (hereinafter the

"IECC") with any amendments, deletions, or modifications for establishing the Alabama Residential Building Code and thereafter publish through administrative rules the amendments, deletions, or modifications the Alabama Residential Building Code.

6. The council shall publish through administrative rules the amendments, deletions, or modifications of provisions for roof construction standards from either the coastal Construction Code Supplement or the Inland Construction Code Supplement.

7. The council shall publish through administrative rules the amendments, deletions or modifications of provisions and standards related to energy efficiency in residential construction.

8. After Board final adoption of the first established Alabama Residential Building Code, the council may meet as necessary at the call of the chair or request of the Board through its executive director.

9. The council may be authorized to meet for the following:

a. Considerations of amendments to the Alabama Residential Building Code.

b. Adoption of rules, procedures and functions of the council and division.

c. Evaluation, studies and assessment at the request of the Board and for the division on the needs and impact of the Alabama Residential Building Code.

d. Develop a public information plan for communication with local governments, residential home builders and residents of the state on the importance of the Alabama Residential Building Code.

e. The council may create committees for these tasks.

Author: J. Seth Gowan, Lauren Kloess Latham, Lannie Smith.
Statutory Authority: Code of Ala. 1975. §§ 34-14A-11, 34-14A-41, 34-14A-42, and 34-14A-43.
History: New Rule: Published ———October 30, 2026; effective ———December 14, 2026.

465-X-10-.05 Alabama Residential Building Code.

1. The Alabama Residential Building Code (hereinafter the "ARBC") shall consist of the 2024 International Residential Code, (hereinafter the "IRC"), the 2024 International Energy Conservation Code, (hereinafter the "IECC") with amendments, deletions, and modifications as adopted for application and enforcement in the state of Alabama, inclusive of provisions from the Coastal Construction Code Supplement, the Inland Construction Code Supplement for sealed roof deck and construction, as well as other source standards for related energy efficiency pertaining to residential construction.

2. The ARBC, inclusive of the 2024 IRC and 2024 IECC with adopted amendments, deletions, and modifications shall apply to all residential construction and improvement.

3. Beginning January 1, 2027, the ARBC inclusive of the 2024 IRC and 2024 IECC with modifications shall apply to all residential construction., or if applicable, a local jurisdiction's residential building code shall apply.

4. The ARBC, inclusive of the 2024 IRC with adopted amendments, deletions, and modifications, may not supersede local residential building codes adopted and enforce prior to January 1, 2027, provided however, any adoptions, amendments or modifications, made by a local jurisdiction, thereafter, shall meet at least the current ARBC and AREC.

5. The AREC shall be enforced by local jurisdictions that have adopted energy code provisions for residential construction and improvements.

6. Energy code provisions adopted by local jurisdictions may not exceed the AREC.

7. Local jurisdictions may amend local standards of the building code as local conditions require, but adoption or amendment of energy code provisions may not exceed the AREC unless local conditions or compliance with federal mandate requires such.

Author: J. Seth Gowan, Lauren Kloess Latham, Lannie Smith.
Statutory Authority: Code of Ala. 1975. §§ 34-14A-11, 34-14A-41, 34-14A-42, and 34-14A-43.
History: New Rule: Published ~~_____~~October 30, 2026; effective ~~_____~~December 14, 2026.

465-X-10-.06 **The 2024 International Residential Code (IRC) with the following amendments, deletions and modifications pursuant to Code of Ala. 1975 §§34-14A-12, 34-14A-12.1 and 34-14A-12.2.**

1. **R202: Definitions**

a. **[RB] AIR-PERMEABLE INSULATION.** Insulation material that permits the passage of air through its structure and is not intended to function as an air barrier material. Air-permeable insulation includes, but is not limited to, fiberglass (batts or loose-fill), cellulose, and mineral wool insulation. Materials that achieve air impermeability through testing and listing in accordance with recognized standards shall not be classified as air-permeable insulation.

b. **[RB] FIRE SEPARATION DISTANCE.** The distance measured from the building face to one of the following:

1. To the closest interior lot line.

2. To the centerline of a street, an alley or public way.

3. To an imaginary line between two buildings on the *lot*.

The distance shall be measured at a right angle from the face of the wall.

c. **[RB] WINDBORNE DEBRIS REGION.** Areas within hurricane-prone regions located in accordance with one of the following:

1. Within 1 mile (1.61 km) of the coastal mean high-water line where the ultimate design wind speed, V, is 130 mph (58 m/s) or greater.

2. In areas where the ultimate design wind speed, V, is 140 mph (63.6 m/s) or greater; or Hawaii.

2. **R302.1 Exterior walls.** Construction, projections, openings, and penetrations of exterior walls of *dwellings*, and accessory buildings shall comply with Table R302.1(1); or *dwellings* equipped throughout with an automatic sprinkler system installed in accordance with Section P2904 shall comply with Table R302.1(2).

a. For the purposes of determining fire separation distance, dwellings on the same *lot* shall be assumed to have an

imaginary line between them. Where a new dwelling is to be erected on the same lot as an existing dwelling, the location of the assumed imaginary line with relation to the existing dwelling shall be such that the existing dwelling meets requirements of this section.

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.

2. Walls of individual dwelling units and their accessory buildings located on the same lot.

3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.

4. Detached garages accessory to a dwelling unit located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).

5. Foundation vents installed in compliance with this code are permitted.

b. **Delete Tables R302.1(1) and R302.1(2) and replace with new table.**

Exterior Wall Element		Minimum Fire Resistance Ratings	Minimum Fire Separation Distance
Walls	Fire-resistance rated	1-hour—tested in accordance with ASTM E119, UL 263, or Section 703.3 of the International Building Code with exposure from both sides.	0-feet
	Not Fire-resistance rated	0-hours	3-feet [a]
Projections	Not allowed	N/A	< 2-feet

	Fire-resistance rated	1-hour on the underside, or heavy timber, or fire-retardant treated wood. [b, c]	2-feet [a]
	Not fire-resistance rated	0-hours	3-feet
Openings in Walls	Not allowed	N/A	<3-feet
	Unlimited	0-hours	3-feet [a]
Penetrations	All	Comply with R302.4.	< 3-feet
		None required	3-feet [a]

Table R302.1 Exterior Walls

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable

a. For residential subdivisions and townhouses where all *dwellings* are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the *fire separation distance* for exterior walls not fire-resistance rated and for fire-resistance-rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining *lot* provides an open setback *yard* that is 6 feet or more in width on the opposite side of the property line.

b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where vent openings that communicate with the attic are not installed in the overhang or gable wall.

3. **R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence

shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick, or 20- minute fire-rated doors.

4. **Delete Section R306.3.6.1 entirely.**

5. **Delete Section R309 entirely.**

6. **R316.1 General.** Habitable attics shall comply with Sections R316.2 and R316.3.

7. **R316.2 Minimum dimensions.** A habitable attic shall have a floor area in accordance with Section R312 and a ceiling height in accordance with Section R313.

8. **R316.3 Story above grade plane.** A habitable attic shall be considered a story above *grade plane*.

Exceptions: A habitable attic shall not be considered to be a story above *grade plane* provided that the habitable attic meets all the following:

1. The aggregate area of the *habitable attic* is not greater than one-third of the floor area of the story below.

2. The occupiable space is enclosed by the roof assembly above, knee walls, if applicable, on the sides and the floor ceiling assembly below.

3. The floor of the habitable attic does not extend beyond the exterior walls of the story below.

9. **R316.4 Means of egress.** The means of egress for habitable attics shall comply with the applicable provisions of Section R318.

10. **R318.7.5 Stair treads and risers.** Stair treads and risers shall meet the requirements of this section. For the purposes of this section, dimensions and dimensioned surfaces shall be exclusive of carpets, rugs or runners.

11. **R321.1.1 Where required.** *Guards* shall be provided for those portions of open-sided walking surfaces, including floors, *stairs*, *ramps* and landings that are located more than 30 inches measured vertically to the floor or *grade* below at any point within 18 inches horizontally to the edge of the open side. Insect screening shall not be considered as a *guard*.

12. **R403.1.6 Foundation anchorage.** Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section. Cold-formed steel framing shall be anchored directly to the foundation or fastened to wood sill plates anchored to the foundation. Anchorage of cold-formed steel framing and sill plates supporting cold-formed steel framing shall be in accordance with this section and Section R505.3.1 or R603.3.1.

Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of *braced wall panels* at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with minimum 1/2inch diameter (12.7 mm) anchor bolts spaced a maximum of 6 feet (1829 mm) on center or *approved* anchors or anchor straps spaced as required to provide equivalent anchorage to 1/2-inch-diameter (12.7 mm) anchor bolts. Bolts shall extend a minimum of 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. The bolts shall be located in the middle third of the width of the plate. A nut and washer shall be tightened on each anchor bolt. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundations that are not part of a *braced wall panel* shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R304 and R305. Anchor bolts shall be permitted to be located while concrete is still plastic and before it has set. Where anchor bolts resist placement or the consolidation of concrete around anchor bolts is impeded, the concrete shall be vibrated to ensure full contact between the anchor bolts and concrete.

Exceptions:

1. Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).

2. Connection of walls 12 inches (305 mm) total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).

3. Where the basic wind speed in accordance with Figure R301.2(4)A does not exceed 115 miles per hour (51 m/s), the

seismic design category is A or B and Method GB in accordance with Section R602.10 is used for a *braced wall line* on the interior of the dwelling, anchor bolts shall not be required for the wood sole plates of the *braced wall panels*. Positive anchorage with approved fasteners shall be provided.

13. **M1301.3.1 A2L Refrigerant Systems.** Equipment utilizing A2L refrigerants shall comply with Section M1401.7.

14. **M1401.7 A2L Refrigerant Systems.** Mechanical systems utilizing A2L refrigerants shall be designed, installed, and maintained in accordance with this section, ASHRAE 15, ASHRAE 34, the equipment manufacturer's listing, and applicable provisions of this code.

15. **M1401.7.1 Applicability.** This section shall apply to all direct refrigeration and comfort cooling systems utilizing A2L refrigerants serving dwelling units or accessory spaces in residential occupancies regulated by the IRC.

16. M1401.7.2 Shaft and Enclosure Requirements Refrigerant piping for direct systems utilizing A2L refrigerants shall not be required to be installed within a fire-resistance-rated shaft or enclosure where all of the following conditions are met:

1. The system complies with the maximum refrigerant charge limits of ASHRAE 15.

2. The piping system is listed and installed in accordance with the manufacturer's instructions.

3. The system serves dwelling units or accessory spaces regulated by this code.

17. **M1401.7.3 Shaft Ventilation Exception.** Where refrigerant piping utilizing A2L refrigerants is installed in a vertical shaft, ventilation of the shaft shall not be required where all of the following conditions are met:

1. The piping system is continuous through the shaft.

2. No joints, fittings, valves, or mechanical connections are located within the shaft.

3. The piping is protected from physical damage.

18. **M1401.7.4 Refrigerant Charge Limits.** The maximum refrigerant charge permitted in occupied spaces shall comply with ASHRAE 15 and the equipment manufacturer's listing.

19. **M1401.7.5 Leak Detection and Mitigation.** Where required by ASHRAE 15 or the equipment listing, A2L systems shall be provided with approved refrigerant detection and mitigation measures, including automatic shutdown, ventilation, or alarms.

20. **M1401.7.6 Prohibited Locations.** A2L refrigerant equipment shall not be installed in locations prohibited by the manufacturer's listing or ASHRAE 15.

21. **M1401.7.7 Listing and Labeling.** Equipment utilizing A2L refrigerants shall be listed and labeled in accordance with UL, ETL, or other approved standards and installed in accordance with the listing.

22. **E3901.4.2 Island and peninsular countertops and work surfaces.**

1. At least one receptacle outlet shall be installed at each island countertop space with a long dimension of 24 inches (610 mm) or greater and a short dimension of 12 inches (305 mm) or greater. [210.52(C)(2)]

2. Not less than one receptacle outlet shall be installed at each peninsular countertop long dimension space having a long dimension of 24 inches (610 mm) or greater and a short dimension of 12 inches (305 mm) or greater. A peninsular countertop is measured from the connected perpendicular wall. [210.52(C)(3)]

23. **E3901.4.3 Receptacle outlet location.** Receptacle outlets shall be located not more than 20 inches (508 mm) above the countertop or work surface. Receptacle outlet assemblies installed in countertops and work surfaces shall be listed for use in countertops or work surfaces. Receptacle outlets rendered not readily accessible by appliances fastened in place, appliance garages, sinks or range tops as addressed in the exception to Section E3901.4.1, or appliances occupying dedicated space shall not be considered as these required outlets. [210.52(C)(5)]

Exception: Receptacle outlets shall be permitted to be mounted not more than 12 inches (305 mm) below the countertop or work surface in construction designed for the physically impaired and for island and peninsular countertops or work surface where the surface is flat across its entire surface and there are no means to mount a receptacle within 20 inches (508 mm) above the countertop, such as in an overhead cabinet. Receptacles mounted below the countertop or work surface in accordance with this exception shall not be located where the countertop or work surface extends more than 6 inches (152 mm) beyond its support base. [210.52(C)(5) Exception]

24. **Delete Section E3902.12 entirely.**

25. **AMEND IRC CHAPTER 44 (REFERENCED STANDARDS)**

a. **ASHRAE 15** – Safety Standard for Refrigeration Systems

26. **Appendix BB is hereby adopted.**

Appendix BB Tiny Houses.

a. **Section BB101 General**

BB101.1 Scope. This appendix shall be applicable to *tiny houses* used as single *dwelling units*. *Tiny houses* shall comply with this code except as otherwise stated in this appendix.

b. **Section BB102 Definitions**

i. **BB102.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

ii. **EGRESS ROOF ACCESS WINDOW.** A *skylight* or roof window designed and installed to satisfy the *emergency escape and rescue opening* requirements of Section R319.2.

iii. **LANDING PLATFORM.** A landing provided as the top step of a *stairway* accessing a *loft*.

iv. **LOFT.** A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a *ceiling height* of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

v. **TINY HOUSE.** A *dwelling* that is 400 square feet (37 m^2) or less in floor area excluding *lofts*.

c. **Section BB103 Ceiling Height**

i. **BB103.1 Minimum ceiling height.** *Habitable space* and hallways in *tiny houses* shall have a *ceiling height* of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and *kitchens* shall have a *ceiling height* of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum *ceiling heights*.

ii. **Exception:** *Ceiling heights* in *lofts* are permitted to be less than 6 feet 8 inches (2032 mm).

d. **Section BB104 Lofts**

i. **BB104.1 Minimum loft area and dimensions.** *Lofts* used as a sleeping or *living space* shall meet the minimum area and dimension requirements of Sections BB104.1.1 through BB104.1.3.

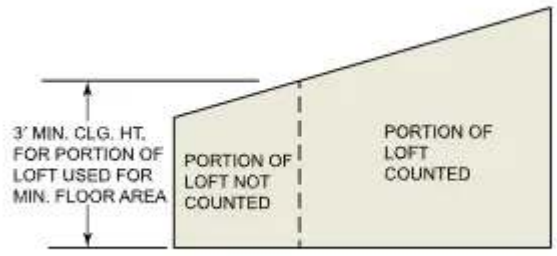
ii. **BB104.1.1 Minimum area.** *Lofts* shall have a floor area of not less than 35 square feet (3.25 m^2).

iii. **BB104.1.2 Minimum horizontal dimensions.** *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

iv. **BB104.1.3 Height effect on loft area.** Portions of a *loft* with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. See Figure BB104.1.3.

Exception: Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50 percent slope), portions of a *loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

FIGURE **BB104.1.3 HEIGHT EFFECT ON LOFT**



AREA

For SI: 1 foot = 304.8 mm.

v. **BB104.2 Loft access and egress.** The access to and primary egress from *lofts* shall be of any type described in Sections BB104.2.1 through BB104.2.5. The *loft* access and egress element along its required minimum width shall meet the *loft* where its *ceiling height* is not less than 3 feet (914 mm).

vi. **BB104.2.1 Stairways.** *Stairways* accessing *lofts* shall comply with this code or with Sections BB104.2.1.1 through BB104.2.1.7.

vii. **BB104.2.1.1 Width.** *Stairways* accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at or above the *handrail*. The width below the *handrail* shall be not less than 20 inches (508 mm).

viii. **BB104.2.1.2 Headroom.** The headroom above *stairways* accessing a *loft* shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread, landing or *landing platform nosings* in the center of their width and vertically from the *landing platform* along the center of its width.

ix. **BB104.2.1.3 Treads and risers.** *Risers* for *stairs* accessing a *loft* shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.

2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

x. **BB104.2.1.4 Landings.** Intermediate landings and landings at the bottom of *stairways* shall comply with Section R318.7.6, except that the depth in the direction of travel shall be not less than 24 inches (610 mm).

xi. **BB104.2.1.4 Landing platforms.** The top tread and *riser of stairways* accessing *lofts* shall be constructed as a *landing platform* where the *loft ceiling height* is less than 6 feet 2 inches (1880 mm) where the *stairway* meets the *loft*. The *landing platform* shall be not less than 20 inches (508 mm) in width and in depth measured horizontally from and perpendicular to the *nosing* of the *landing platform*. The *landing platform* riser height to the loft floor shall be not less than 16 inches (406 mm) and not greater than 18 inches (457 mm).

xii. **BB104.2.1.6 Handrails.** *Handrails* shall comply with Section R318.7.8.

xiii. **BB104.2.1.7 Stairway guards.** Guards at open sides of *stairways*, landings and *landing platform* shall comply with Section R321.1.

xiv. **BB104.2.2 Ladders.** Ladders accessing *lofts* shall comply with Sections BB104.2.1 and BB104.2.2.2.

xv. **BB104.2.2.1 Size and capacity.** Ladders accessing *lofts* shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 300-pound (136 kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

xvi. **BB104.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

xvii. **BB104.2.3 Alternating tread devices.** *Alternating tread devices* accessing *lofts* shall comply with Sections R318.7.12.1 and R318.7.12.2. The clear width at and below the *handrails* shall be not less than 20 inches (508 mm).

xviii. **BB104.2.4 Ship's ladders.** Ship's ladders accessing *lofts* shall comply with Sections R318.7.13.1 and R318.7.13.2. The clear width at and below *handrails* shall be not less than 20 inches (508 mm).

xix. **BB104.2.5 Loft guards.** *Loft* guards shall be located along the open sides of *lofts*. *Loft* guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less. *Loft* guards shall comply with Section R321.1.3 and Table R301.5 for their components.

e. Section BB105 Emergency Escape and Rescue Openings

i. **BB105.1 General.** *Tiny houses* shall meet the requirements of Section R319 for *emergency escape and rescue openings*.

ii. **Exception:** *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R319 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *loft* floor, provided the *egress roof access window* complies with the minimum opening area requirements of Section R319.2.1.

f. Section BB106 Energy Conservation deleted.

27. **Appendix BO is hereby adopted.**

Appendix BO Existing Buildings and Structures

a. **Section BO101 Purpose and Intent**

BO101.1 General. The purpose of these provisions is to encourage the continued use or reuse of legally existing buildings and structures. Structural elements and systems shall comply with Section R102.6.1 and the provisions of this appendix. *Repairs*, *alterations*, *additions* and relocation of existing buildings and structures shall comply with the provisions of this code for new construction, except as modified by this appendix.

b. **Section BO102 Compliance**

i. **BO102.1 General.** The work shall not cause the *building* or *structure* to become unsafe or adversely affect the performance of the *building*; shall not cause an existing mechanical or plumbing system to become unsafe, hazardous, insanitary or overloaded; and unless expressly permitted by these provisions, shall not make the *building* any less compliant with this code or to any previously *approved* alternative arrangements than it was before the work was undertaken.

ii. **BO102.2 Identification of work.** The work shall be clearly identified on the *permits* issued under these provisions.

iii. **BO102.3 Structural.** Structural elements and systems that are altered, repaired or replaced shall comply with Section R102.6.1 and the structural provisions of this appendix. The work performed shall not cause the structure to become less compliant with this code than it was before the work was undertaken.

iv. **BO102.3.1 Design loads.** The minimum design loads for the structure shall be the loads applicable at the time the *building* was constructed. The minimum design loads for new structural components shall comply with this code. Structural elements that are uncovered during the course of the *alteration* and that are found to be unsafe shall be repaired in accordance with Section R102.6.1.

v. **BO102.4 Smoke alarms.** Smoke alarms shall be provided where required by Section R310.2.2.

vi. **BO102.5 Carbon monoxide alarms.** Carbon monoxide alarms shall be provided where required by Section R311.2.2.

vii. **BO102.6 Replacement windows.** Where an existing window, including the sash and glazed portion, or safety glazing is replaced, the replacement window or safety glazing shall comply with the requirements of Sections BO102.6.1 through BO102.6.3, as applicable.

viii. **BO102.6.1 Energy efficiency.** Replacement windows shall comply with the requirements of Chapter 11.

ix. **BO102.6.2 Safety glazing.** Replacement glazing in *hazardous locations* shall comply with the safety glazing requirements of Section R324.

x. **BO102.6.3 Window fall protection.** Window fall protection shall be installed in accordance with Section R321.2.

xi. **BO102.7 Flood hazard areas.** Work performed in existing buildings located in a flood hazard area as established by Table R301.2 shall be subject to the provisions of Section R104.3.1.

xii. **BO102.8 Equivalent alternatives.** Work performed in accordance with the *International Existing Building Code* shall be deemed to comply with the provisions of this appendix. These provisions are not intended to prevent the use of any alternative material, alternative design or alternative method of construction not specifically prescribed herein, provided that any alternative has been deemed to be equivalent and its use authorized by the *building official*.

xiii. **BO102.9 More restrictive requirements.** *Buildings* or systems in compliance with the requirements of this code for new construction shall not be required to comply with any more restrictive requirement of these provisions.

c. **Section BO103 Definitions**

i. **BO103.1 General.** The terms used in this appendix, and not provided in Chapter 2, are defined as follows:

DANGEROUS. Any *building*, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.

2. There exists a significant risk of collapse, detachment or dislodgement of any portion, member, appurtenance or ornamentation of the building or structure under permanent, routine or frequent loads; under actual loads already in effect; or under snow, wind, rain, flood, earthquake aftershock or other environmental loads when such loads are imminent.

d. **Section BO104 Repairs**

i. **BO104.1 General.** *Repairs* shall comply with the applicable provisions of this code for new construction or as permitted by this appendix.

ii. **BO104.2 Materials.** Materials used during *repairs* shall comply with this section.

iii. **BO104.2.1 New and replacement materials.** Except as otherwise required or permitted by this code, materials permitted by this code for new construction shall be used. Like materials shall be permitted for *repairs* and *alterations*, provided that unsafe conditions are not created. Hazardous materials shall not be used where this code would not permit their use in *buildings* of similar occupancy, purpose and location.

iv. **BO104.2.2 Existing materials.** Materials already in use in a *building* in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the *building official* to be unsafe.

v. **BO104.2.3 Plumbing materials and supplies.** The following plumbing materials and supplies shall not be used:

1. All-purpose solvent cement, unless *listed* for the specific application.

2. Flexible traps and tailpieces, unless *listed* for the specific application.

3. Solder having more than 0.2 percent lead in the repair of potable water systems.

vi. **BO104.3 Water closets.** Where any water closet is replaced with a newly manufactured water closet, the replacement water closet shall comply with the requirements of Section P2903.2.

vii. **BO104.4 Electrical.** Repair or replacement of existing electrical wiring and equipment shall comply with Chapters 34 through 43.

viii. **BO104.5 Structural.** Repaired structural elements and systems shall comply with Section R102.6.1 and the structural provisions of this appendix.

e. **Section BO105 Alterations**

i. **BO105.1 General.** *Alterations* to existing buildings shall comply with the provisions of this code for new construction, except as permitted by Sections BO105.2 through BO105.8. Engineered design in accordance with Section R301.1.3 shall be permitted to meet the requirements of this section. *Alterations* shall not cause the existing building to become less compliant with the provisions of this code for new construction than the existing building was prior to the work.

ii. **BO105.2 Newly constructed elements.** Newly constructed elements, components and systems shall comply with the requirements of this code.

Exceptions:

1. Added openable windows are not required to comply with the light and *ventilation* requirements of Section R325.

2. Newly installed electrical equipment shall comply with the requirements of Section BO105.5.

iii. **BO105.3 Nonconformities.** The work shall not increase the extent of noncompliance or create nonconformity to those requirements that did not previously exist.

iv. **BO105.4 Structural.** Altered structural elements and systems shall comply with Section R102.6.1 and the structural provisions of this appendix.

v. **BO105.4.1 Decreased structural capacity.** Where an *alteration* causes a decrease in capacity in any structural component, that structural component shall be shown to comply or shall be altered to comply with the applicable provisions of Chapters 3, 4, 5, 6 and 8.

vi. **BO105.4.2 Increased design loads.** Where an *alteration* causes an increase in loads as described in this section, the existing structural components that support the increased load, including the foundation, shall

be shown to comply or shall be altered to comply with the applicable provisions of Chapters 3, 4, 5, 6 and 8. Existing structural components that do not provide support for the increased loads shall not be required to comply with this section.

vii. **BO105.4.2.1 Dead load increase.** *Dead load* shall be considered to be increased for purposes of this section when the weight of materials used for the *alteration* exceeds the weight of the materials replaced, or when new materials or elements are added.

Exceptions:

1. *Buildings* in which the increase in *dead load* is due entirely to the *addition* of a second layer of *roof covering* weighing 3 pounds per square foot (psf) (0.1437 kN/m^2) or less over an existing single layer of *roof covering*.

2. Installation of rooftop-mounted photovoltaic (*PV*) panel systems weighing 4 psf (0.1915 kN/m^2) or less over an existing single layer of *roof covering*.

These exceptions shall not be applied simultaneously.

viii. **BO105.4.2.2 Live load increase.** An increase in *live load* shall be determined based on Table R301.5.

ix. **BO105.4.2.3 Snow load increase.** Snow load shall be considered to be increased for purposes of this section when *alteration* of the roof configuration creates new areas that accumulate drifted snow.

x. **BO105.4.2.4 Wind load increase.** Wind load shall be considered to be increased for purposes of this section when the exposed surface area of any exterior elevation subject to wind pressure is increased by more than 5 percent.

xi. **BO105.4.2.5 Seismic load increase.** Seismic load shall be considered to be increased for purposes of this section in existing buildings assigned to *Seismic Design Category* C, D_0, D_1 or D_2 where new materials replace lighter-weight materials in one of the following conditions:

1. Concrete tile or tile *roof covering* of similar weight is installed on more than 50 percent of the total roof area.

2. Brick veneer or *cladding* of similar weight is installed on walls above the second *story*.

xii. **BO105.4.3 Unreinforced masonry parapets.** Unreinforced masonry parapets located in *Seismic Design Category* D2 shall have wall anchors installed at the roofline and additional bracing installed above the roofline whenever a *reroofing permit* is issued and work involves removal of roofing materials from more than 25 percent of the roof area. Such masonry bracing and wall anchors shall be of an *approved* design, unless an evaluation demonstrates compliance of the existing bracing and anchorage.

Exception: Bracing above the roofline shall not be required where the maximum height of unbraced unreinforced masonry does not exceed a height-to-width ratio of 2.5. Height shall be measured from the top of the parapet down to the highest existing brace or anchor point attached to the structure.

xiii. **BO105.5 Electrical equipment and wiring.** Electrical equipment and wiring shall comply with this section.

xiv. **BO105.5.1 Materials and methods.** Newly installed electrical equipment and wiring relating to work done in any work area, including in newly installed partitions and ceilings, shall comply with the materials and methods requirements of Chapters 34 through 43.

xv. **BO105.5.2 Electrical service.** Service to the *dwelling unit* shall be not less than 100 ampere, three-wire capacity, and service *equipment* shall be dead front having no live parts exposed that could allow accidental contact. Type "S" fuses shall be installed where fused equipment is used.

Exception: Existing service of 60 ampere, three-wire capacity, and feeders of 30 ampere or larger two- or three-wire capacity shall be accepted if adequate for the electrical load being served.

xvi. **BO105.5.3 Additional electrical requirements.** Where the work area includes any of the following areas within a dwelling unit, the requirements of Sections BO105.5.3.1 through BO105.5.3.5 shall apply.

xvii. **BO105.5.3.1 Enclosed areas.** Enclosed areas other than closets, *kitchens, basements*, garages, hallways, laundry areas and bathrooms shall have not fewer than two duplex receptacle outlets, or one duplex receptacle outlet and one ceiling- or walltype lighting outlet.

xviii. **BO105.5.3.2 Kitchen and laundry areas.** *Kitchen* areas shall have not fewer than two duplex receptacle outlets. Laundry areas shall have not fewer than one duplex receptacle outlet located near the laundry equipment and installed on an independent branch circuit.

xix. **BO105.5.3.3 Ground-fault circuit interruption.** Ground-fault circuit interruption shall be provided on newly installed receptacle outlets if required by Chapters 34 through 43.

xx. **BO105.5.3.4 Lighting outlets.** Not less than one lighting outlet controlled by a *listed* wall-mounted device shall be provided in every bathroom, hallway, *stairway*, attached garage and detached garage with electric power to illuminate outdoor entrances and exits, and in utility rooms and *basements* where these spaces are used for storage or contain equipment requiring service. The wall-mounted control device shall be located near an entrance to the room.

xxi. **BO105.5.3.5 Clearance.** Clearance for electrical service equipment shall be provided in accordance with Chapters 34 through 43.

xxii. **BO105.6 Ventilation.** Reconfigured spaces intended for occupancy and spaces converted to habitable or occupiable space in any work area shall be provided with *ventilation* in accordance with Section R325.

xxiii. **BO105.7 Ceiling height.** Where a *habitable attic* or *habitable space* is created in an existing building, ceiling heights shall be not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and laundry rooms shall have a *ceiling height* of not less than 6 feet 4 inches (1930 mm).

Exceptions:

1. For rooms with sloped ceilings, the required floor area of the room shall have a *ceiling height* of not less than 5 feet (1524 mm), and not less than 50 percent of the required floor area shall have a *ceiling height* of not less than 6 feet 8 inches (2134 mm).

2. At beams, girders, ducts or other obstructions, the ceiling height shall be not less than 6 feet 4 inches (1930 mm) from the finished floor.

xxiv. **BO105.8 Stairs, handrails and guards.** *Stairs*, *handrails* and guards shall comply with this section.

xxv. **BO105.8.1 Stair width.** Existing *basement stairs* and *handrails* not otherwise being altered or modified shall be permitted to maintain their current clear width at, above and below existing *handrails*.

xxvi. **BO105.8.2 Stair headroom.** Headroom height on existing *basement stairs* being altered or modified shall not be reduced below the existing *stairway* finished headroom. Existing *basement stairs* not otherwise being altered shall be permitted to maintain the current finished headroom.

xxvii. **BO105.8.3 Stair landing.** Landings serving existing *basement stairs* being altered or modified shall not be reduced below the existing *stairway* landing depth and width. Existing *basement stairs* not otherwise being altered shall be permitted to maintain the current landing depth and width.

xxviii. **BO105.8.4 Stair treads and risers.** An existing *stairway* shall not be required to comply with Section R318.7.5 where the existing space and construction does not allow a reduction in pitch or slope. Where risers are added to an existing *stair*, the tread and *riser* dimension of the added risers shall match the existing *stair*.

xxix. **BO105.8.5 Stairway illumination.** *Stairways* within the work area shall be provided with illumination in accordance with Section R325.7.

xxx. **BO105.8.6 Handrails and guards.** If a stair or any portion of a *stair* is altered, a *handrail* and guard, where required, shall be provided in accordance with Sections R318 and R320.

f. Section BO106 Addition

i. **BO106.1 General.** Where existing buildings with the *addition* are within the scope of this code, *additions* shall comply with this section and other applicable provisions of this code for new construction or as permitted by this appendix. Engineered design in accordance with Section R301.1.3 shall be permitted to meet the requirements of this section.

ii. **BO106.2 Structure for horizontal additions.** Where an *addition* involves new construction attached to an existing building, the new construction shall meet all of the structural requirements of this code for new construction. *Alterations* to the existing building shall comply with the requirements governing *alterations* within this code. In wood light-frame *additions*, connection of the structural components shall be permitted to be provided using wall top plates and *addition* studs that abut the existing building. Wall top plates shall be lapped and spliced in accordance with Section R602.3.2. Abutting studs shall be fastened in accordance with Table R602.3(1).

Exception: The *addition* structure shall be permitted to be connected to the existing building in accordance with accepted engineering practice.

iii. **BO106.3 Structure for vertical additions.** Where an *addition* involves new construction that adds a *story* to any part of the existing building or vertically increases the height of any part of the existing building, the new construction and the existing building together shall be shown to comply with, or altered to comply with, all of the structural requirements of this code for new construction.

Exception: Where the new structure and the existing structure together are evaluated in accordance with accepted engineering practice and are shown to be sufficient to support the combined loads from the new structure and existing structure, no structural *alterations* are required.

g. **Section BO107 Relocated Buildings**

i. **BO107.1 General.** Residential buildings or structures moved into or within the *jurisdiction* are not required to comply with the requirements for new construction under this code, provided they comply with all of the following conditions:

1. The *building* shall be safe for human occupancy as determined by the *International Fire Code* and the *International Property Maintenance Code*.

2. Any *repair*, *alteration* or change of use undertaken within the relocated structure shall comply with the requirements of this code applicable to the work being performed.

3. Any field fabricated elements shall comply with the applicable requirements of this code.

h. **Section BO108 Referenced Standards**

i.BO108.1 General. See Table BO108.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, the standard title and the section or sections of this appendix that reference the standard.TABLE

ii.BO108.1 REFERENCED STANDARDS

STANDARD ACRONYM	STANDARD NAME	SECTION HEREIN REFERENCED
IEBC—24	*International Existing Building Code*®	BO102.8
IFC—24	*International Fire Code*®	BO107.1
IPMC—24	*International Property Maintenance Code*®	BO107.1

Author: J. Seth Gowan, Lauren Kloess Latham, Lannie Smith
Statutory Authority: Code of Ala. 1975. §§ 34-14A-11, 34-14A-12.1, 34-14A-12.2, 34-14A-12.3, 34-14A-41, 34-14A-42, and 34-14A-43.
History: New Rule: Published ~~_____~~October 30, 2026; effective ~~_____~~December 14, 2026.

465-X-10-.07 The 2024 International Energy Conservation Code (IECC) with the following amendments, deletions and modifications pursuant to Code of Ala. 1975, Sections 34-14A-12, 34-14A-12.1 and 34-14A-12.2.

(1) SECTION R202 DEFINITIONS

a. **COMMUNITY RENEWABLE ENERGY FACILITY (CREF).** A facility that produces energy from *renewable energy resources* and that is qualified as a community energy facility under applicable jurisdictional statutes and rules.

b. **FINANCIAL RENEWABLE ENERGY POWER PURCHASE AGREEMENT (FPPA).** A financial arrangement between a renewable electricity generator and a purchaser wherein the purchaser pays or guarantees a price to the generator for the project's renewable generation. Also known as a "financial power purchase agreement" and "virtual power purchase agreement."

c. **PHYSICAL RENEWABLE ENERGY POWER PURCHASE AGREEMENT (PPPA).** A contract for the purchase of renewable electricity from a specific renewable electricity generator by a purchaser of renewable electricity.

2. R104.1.1 Above code programs. The *code official* or other AHJ shall be permitted to deem a national, state or local energy-efficiency program to exceed the energy efficiency required by this code. *Buildings* approved in writing by such an energy-efficiency program shall be considered to be in compliance with this code where such buildings also meet the requirements identified in Table R405.2 and the proposed total *building thermal envelope* thermal conductance (TC) shall be less than or equal to the total *building thermal envelope* TC using the prescriptive *U*-factors and *F*-factors from Table R402.1.2 multiplied by 1.08 in Climate Zones 0, 1 and 2, and by 1.15 in Climate Zones 3 through 8, in accordance with Equation 1-1. The area-weighted maximum *fenestration solar heat gain coefficients* (SHGC) permitted in Climate Zones 0 through 3 shall be 0.30.

For Climate Zones 0-2: $TC_{\text{Proposed design}} \leq 1.08 \times TC_{\text{Prescriptive reference design}}$

R104.1.1.1 National Green Building Standard. Buildings complying with ICC 700 National Green Building Standard and achieving an equivalent energy performance as demonstrated by a third- party certification organization shall be deemed to exceed the energy efficiency required by this code.

(3) TABLE **R402.1.2 MAXIMUM ASSEMBLY U-FACTORS[a] AND FENESTARTION REQUIREMENTS**

Portions of table not shown remain unchanged.

CLIMATE ZONE	**0**	**1**	**2**	**3**	**4 except Marine**	**5 and Marine 4**	**6**	**7 and 8**
UNHEATED SLAB F-FACTOR[h]	0.73	0.73	0.73	0.54	0.54	0.54	0.48	0.48

For SI: 1 foot – 304.8mm.

h. A maximum F-factor of 0.73 shall apply in jurisdictions designated by the code official as having a very heavy termite infestation.

(4) R402.1.3 INSULATION TABLE MINIMUM R-VALUES AND FENESTARTION REQUIREMENTS

Portions of table not shown remain unchanged.

CLIMATE ZONE	0	1	2	3	4 except Marine	5 and Marine 4	6	7 and 8
SLAB[d,e] f R-VALUE & DEPTH	0	0	0	10ci, 2 ft	10ci, 4 ft	10ci, 4 ft	10ci, 4 ft	10ci, 4ft

For SI: 1 foot = 304.8mm.

fi. Slab edge insulation is not required in jurisdictions designated by the code officials as having very heavy termite infestation.

(5) Delete Section R402.2.1 entirely.

(6) Delete Section R402.2.2 entirely.

(7) R402.2.3 Attic knee wall. Wood attic *knee wall* assemblies that separate *conditioned space* from unconditioned attic spaces shall comply with Table R402.1.3 for wood frame walls. Steel attic *knee wall* assemblies shall comply with Section R402.2.7. Such knee walls shall have an *air barrier* between conditioned and unconditioned space.

Exception: Where construction constraints prevent achieving a properly constructed knee wall assembly that meets the requirements of this section, the knee wall may be treated as part of the ceiling insulation system when all of the following conditions are met:

1. Insulation Alignment: The knee wall cavity is insulated to an R-value not less than the adjacent attic insulation and is aligned with the surrounding ceiling thermal envelope.

2. Insulation Installation: Batt insulation shall be installed so that it fully fills the cavity, maintains continuous contact with the air barrier on the conditioned side, and is fully supported on the attic side using approved netting, sheathing, or other support material to prevent displacement and air gaps.

3. Air Barrier: A continuous air barrier is installed on the conditioned side of the knee wall and is sealed to adjoining framing or sheathing to limit airflow between conditioned and unconditioned spaces.

4. Thermal Envelope Classification: For energy compliance purposes, knee walls treated under this alternative shall be considered part of the ceiling assembly rather than a vertical wall assembly. This reduction shall not apply to the insulation criteria in Section R402.1.2 and the component performance alternative in Section R402.1.5.

8. R402.2.3.1 Roof truss framing separating conditioned and unconditioned space. Where wood vertical roof truss framing members are used to separate *conditioned space* and unconditioned space, they shall comply with Table R402.1.3 for wood frame walls. Steel frame vertical roof truss framing members used to separate conditioned space and unconditioned space shall comply with Section R402.2.7.

Exception: Attic knee walls and roof truss framing that comply with all of the following:

1. The attic knee wall or roof truss framing assembly is provided with an air barrier and is insulated to not less than R-15 in Climate Zone 3 and not less than R-20 in Climate Zones 4-6.

2. The attic knee wall or roof truss framing assembly is not more than 5 feet in height.

3. One additional credit is achieved above the minimum number of credits required by Section R408.

9. R402.2.11 Crawl space walls. As an alternative to insulating floors over crawl spaces, crawl space walls shall be permitted to be insulated when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished grade level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder in accordance with the *International Building Code* or *International Residential Code*, as applicable. All joints of the vapor retarder shall overlap by 6 inches (153 mm) and be sealed or taped. The edges of the vapor retarder shall extend not less than 6 inches (153 mm) up the stem wall and shall be attached to the stem wall.

10. TABLE R402.5.1.1 AIR BARRIER, AIR SEALING AND INSULATION INSTALLATION[a]

COMPONENT		

	AIR BARRIER, AIR SEALING CRITERIA	INSULATION INSTALLATION CRITERIA
General requirements	A continuous air barrier shall be installed in the building thermal envelope. Breaks or joints in the air barrier shall be sealed. Air- permeable insulation requires an air barrier on all sides. b	Air-permeable insulation shall not be used as a sealing material. Air-permeable insulation must fill entire cavity and be enclosed in an air barrier assembly. c
Ceiling/attic	An air barrier shall be installed in any dropped ceiling or soffit to separate it from unconditioned space. Access openings, drop down stairs or knee wall doors to unconditioned attic spaces shall be sealed with gasketing materials that allow for repeated entrance over time.	The insulation in any dropped ceiling/soffit shall be aligned with the air barrier. Access hatches and doors shall be installed and insulated in accordance with Section R402.2.5. Eave baffles shall be installed in accordance with Section R402.2.4.
Walls	The junction of the foundation and sill plate shall be sealed. The junction of the top plate and the top of exterior walls shall be sealed. Knee walls shall be sealed.	Cavities within corners and headers of frame walls shall be insulated by completely filling the cavity with a material having a thermal resistance, *R*-value, of not less than R-3 per inch. Exterior building thermal envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier.
Knee wall		

	Knee walls shall have an air barrier between conditioned and unconditioned space.	Insulation installed in a knee wall assembly shall be installed in accordance with Section R402.2.3. Air-permeable insulation shall be enclosed inside an air barrier assembly.
Windows, skylights and doors	The rough opening gap between framing and the frames of skylights, windows and doors, shall be sealed in accordance with fenestration manufacturer's instructions.	Insulation shall not be required in the rough opening gap except as required by the fenestration manufacturer's instructions.
Rim joists	Rim joists shall include an air barrier. The junctions of the rim board to the sill plate and the rim board and the subfloor shall be air sealed.	Rim joists shall be insulated so that the insulation maintains permanent contact with the exterior rim board.[b]
Floors, including cantilevered floors and floors above garages	Floor framing members that are part of the building thermal envelope shall be air sealed to maintain a continuous air barrier. Air permeable floor cavity insulation shall be enclosed.	Floor insulation shall be installed in accordance with the requirements of Section R402.2.8.
Basement, crawl space and slab foundations	Exposed earth in unvented crawl spaces shall be covered with a Class I vapor retarder/ air barrier in accordance with Section R402.2.11. Penetrations through concrete foundation walls and slabs shall be air sealed.	Crawl space insulation, where provided instead of floor insulation, shall be installed in accordance with Section R402.2.11. Conditioned basement foundation wall insulation shall be installed in accordance with Section R402.2.9.1.

	Class 1 vapor retarders shall not be used as an air barrier on below-grade walls and shall be installed in accordance with Section R702.7 of the *International Residential Code*.	Slab-on-grade floor insulation shall be installed in accordance with Section R402.2.10.
Shafts, penetrations	Duct and flue shafts to exterior or unconditioned space shall be sealed. Utility penetrations of the air barrier shall be caulked, gasketed or otherwise sealed and shall allow for expansion, contraction of materials and mechanical vibration.	Insulation shall be fitted tightly around utilities passing through shafts and penetrations in the building thermal envelope to maintain required R-value.
Narrow cavities	Narrow cavities of 1 inch or less that are not able to be insulated shall be air sealed.	Batts to be installed in narrow cavities shall be cut to fit or narrow cavities shall be filled with insulation that on installation readily conforms to the available cavity space.
Garage separation	Air sealing shall be provided between the garage and conditioned spaces.	Insulated portions of the garage separation assembly shall be installed in accordance with Sections R303 and R402.2.8.
Recessed lighting	Recessed light fixtures installed in the building thermal envelope shall be air sealed in accordance with Section R402.5.4.	Recessed light fixtures installed in the building thermal envelope shall be airtight and IC rated, and shall be buried in or surrounded with insulation.
	All holes created by wiring, plumbing or	Insulation shall be installed to fill the

Plumbing, wiring or other obstructions	other obstructions in the air barrier assembly shall be air sealed.	available space and surround wiring, plumbing, or other obstructions, unless the required *R*-value can be met by installing insulation and air barrier systems completely to the exterior side of the obstructions.
Showers, tubs and fireplaces adjacent to the building thermal envelope	An air barrier shall separate insulation in the building thermal envelope from the shower, tub or fireplace assemblies.	Exterior framed walls adjacent to showers, tubs and fireplaces shall be insulated.
Electrical, communication and other equipment boxes, housings and enclosures	Boxes, housing and enclosures that penetrate the air barrier shall be caulked, taped, gasketed or otherwise sealed to the air barrier element being penetrated. All concealed openings into the box, housing or enclosure shall be sealed. Alternatively, air-sealed boxes shall be installed in accordance with Section R402.5.5.	Boxes, housing and enclosures shall be buried in or surrounded by insulation.
HVAC register boots	HVAC supply and return register boots shall be sealed to the subfloor, wall covering or ceiling penetrated by the boot.	HVAC supply and return register boots located within a building thermal envelope assembly shall be buried in or surrounded by insulation.
Concealed sprinklers	Where required to be sealed, concealed fire sprinklers shall only be sealed in a manner that is recommended by the	—

	manufacturer. Caulking or other adhesive sealants shall not be used to fill voids between fire sprinkler cover plates and walls or ceilings.	
Common walls or double walls separating attached single-family dwellings or townhouses	An interior air barrier shall be provided. Air sealing at the intersections with building thermal envelope shall be provided. Where installed in a fire-resistance-rated wall assembly, air sealing materials shall comply with one of the following: 1. Be in accordance with an approved design for the fire-resistance-rated assembly. 2. Be supported by approved data that shows the assembly as installed complies with the required fire-resistance rating.	Insulation materials recognized in the approved common wall or double-wall design and installed in accordance with the approved design shall be permitted to be used.
Stairs	Full uncompressed insulation value per Table R402.1.3 Floor R-Value	Insulation not required to fill top of cavity, when air sealed on conditioned side and in contact with air barrier on ambient side.

a. Inspection of log walls shall be in accordance with the provisions of ICC 400.

b. Insulation full enclosure is not required in unconditioned/ ventilated attic spaces and at rim joists. Insulation full enclosure is not required on conditioned side of rim joist insulation in an enclosed floor when permanently secured against air barrier without compression.

c. Insulation full enclosure is not required on ceiling insulation in unconditioned ventilated attic on unconditioned side parallel to the ceiling plane.

11. Delete R402.5.1.2.1 Unit sampling

12. R402.5.1.3 Maximum air leakage rate. When complying with Section R401.2.1, the building or dwelling unit shall have an air leakage rate not exceeding **7.0 air changes per hour** when tested in accordance with Section R402.5.1.2.

Where blower door testing demonstrates an air leakage rate of **5.0 air changes per hour or less**, mechanical ventilation shall be provided in accordance with IRC Section M1505 or IMC Section 403 as applicable.
Mechanical ventilation systems required under this section shall be a **balanced system which provides equal amounts of supply and exhaust air.** Such systems shall be installed per manufacturer's installation instructions.

13. Delete Section R403.1.1 entirely.

14. R403.3.5 Ductwork location in non-conditioned attics. Ductwork located in unconditioned attic space shall be supported a minimum of 1 inch above attic insulation.

15. R403.3.7 Duct system testing. Each duct system shall be tested for air leakage in accordance with ANSI/RESNET/ICC 380 or ASTM E1554. Total leakage shall be measured with a pressure differential of 0.1 inch water gauge (25 Pa) across the duct system and shall include the measured leakage from the supply and return ductwork. A written report of the test results shall be signed by the party conducting the test and provided to the code official. Duct system leakage testing at either rough-in or post construction shall be permitted with or without the installation of registers or grilles. Where installed, registers and grilles shall be sealed during the test. Where registers and grilles are not installed, the face of the register boots shall be sealed during the test.

16. R403.3.8 Duct system leakage. The total measured *duct system* leakage shall not be greater than the values in Section R403.3.8.1 For *buildings* complying with Section R405 or R406, where *duct system* leakage to outside is tested in accordance with ANSI/RESNET/ICC 380 or ASTM E1554, the leakage to outside value shall not be used for compliance with this section, but shall be permitted to be used in the calculation procedures of Section R405 and R406.

a. **Delete Table R403.3.8 entirely.**

17. R403.3.8.1 Maximum Total Duct System Leakage. The Total leakage of the ducts, where measured in accordance with Section R403.3.7, shall be as follows:

1. Rough -in Test-The total leakage shall be less than or equal to 4 cubic feet per minute (113.3 L/min) per 100 square feet (9.29m2) of conditioned floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3 cubic feet per minute (85L/ min) per 100 square feet (9.29m2) of conditioned floor area.

2. Post Construction Test – Total leakage to the outside shall be less than or equal to 4 cubic feet per minute (113.3L/min) per 100 square feet (9.29m2) of conditioned floor area.

All ducts, regardless of their location, inside or outside the building thermal envelope shall be tested in accordance with section R403.3.8.1

18. R403.3.9 Unit sampling. When approved by the Building Official for buildings with eight or more *dwelling units* or *sleeping units,* the *duct systems* in the greater of seven or 20 percent of the *dwelling units* or *sleeping units* shall be tested, including a top floor unit, a ground floor unit, a middle floor unit and the unit with the largest *conditioned floor area*. Where buildings have fewer than eight *dwelling units* or *sleeping units*, the *duct systems* in each unit shall be tested. Where the leakage of a duct system is greater than the maximum permitted duct system leakage, corrective actions shall be made to the duct system and the duct system shall be system retested until it passes. For each tested dwelling unit or sleeping unit that has a greater total duct system leakage than the maximum permitted duct system leakage, an additional three dwelling units or sleeping units, including the corrected unit, shall be tested.

19. R403.6.3 Testing. Mechanical *ventilation* systems shall be tested and verified to provide the minimum *ventilation* flow rates required by Section R403.6, in accordance with ANSI/RESNET/ICC 380. Where required by the *Code Official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be permanently posted with the Certificate required by R401.3.

Exceptions:

Kitchen range hoods that are ducted to the outside with ducting having a diameter of 6 inches (152 mm) or larger, a length of 10 feet (3028 mm) or less, and not more than two 90-degree (1.57 rad) elbows or equivalent shall not require testing.

A third-party test shall not be required where the ventilation system has an integrated diagnostic tool used for airflow measurement, and a user interface that communicates the installed airflow rate.

Where tested in accordance with Section R403.6.4, testing of each mechanical ventilation system is not required.

20. R404.1 Lighting equipment. Not less than 95 percent of permanently installed luminaires shall be capable of operation with an efficacy of not less than 45 lumens per watt or shall contain lamps capable of operation with an efficacy of not less than 65 lumens per watt.

Exceptions:

Appliance lamps.

Antimicrobial lighting used for the sole purpose of disinfecting.

General service lamps complying with DOE 10 CFR, Part 430.32.

Luminaires with a rated electric input of not greater than 3.0 watts.

21. Delete Section R404.2.1 entirely.

22. TABLE **R406.5 MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	**ENERGY RATING INDEX NOT INCLUDING OPP**	**ENERGY RATING INDEX WITH OPP**
0-1	51	35
2	55	38
3	55	38
4	53	40
5	54	43
6	53	43
7	52	46
8	52	46

23.Delete R404.4 Renewable energy certificate (REC) documentation

24.Delete R406.7.3 Renewable energy certificate (REC) documentation

25.TABLE **R408.2 CREDITS FOR ADDITIONAL ENERGY EFFICIENCY – REPLACE existing Table with the following:**

MEASURE NUMBER	MEASURE DESCRIPTION	CLIMATE ZONE 2	CLIMATE ZONE 3
R408.2.1.1(2)	≥ 5% reduction in total TC	**1**	**1**
R408.2.1(3)	> 7.5% reduction in total TC	**1**	**2**
R408.2.1.1(4)	> 10% reduction in total TC	**1**	**2**
R408.2.1.1(5)	> 15% reduction in total TC	**2**	**2**
R408.2.1.1(6)	> 20% reduction in total TC	**4**	**4**
R408.2.1.1(7)	> 30% reduction in total TC	**6**	**6**
R408.2.1.2(1)	*U*-factor and SHGC for vertical fenestration per Table R408.2.1.2	**1**	**1**
R408.2.1.3(2)	Roof solar reflectance index (roof is above an unconditioned space that contains a duct system)	**1**	**0**
R408.2.1.4	Reduced air leakage	**1**	**1**
R408.2.2.(1)b	Ground source heat pump	**14**	**14**
R408.2.2.(2)b	High Performance Cooling (Option 1)	**4**	**3**
R408.2.2.(3)b	High Performance Cooling (Option 2)	**4**	**3**
R408.2.2.(4)b	High Performance Gas furnace (Option 1)	**1**	**2**
R408.2.2.(5)b	High Performance Gas furnace (Option 2)	**1**	**2**

R408.2.2.(6)b	High Performance Gas furnace (Option 3)	**1**	**1**
R408.2.2.(7)b	High Performance Gas furnace and cooling (Option 1)	**5**	**4**
R408.2.2.(8)b	High Performance Gas furnace and cooling (Option 2)	**5**	**5**
R408.2.2.(9)b	High Performance Gas furnace and heat pump (Option 1)	**13**	**11**
R408.2.2.(10)b	High Performance Heat pump with electric resistance backup (Option 1)	**12**	**11**
R408.2.3(1)(a)d	Gas-fired storage water heaters (Option 1)	**7**	**7**
R408.2.3(1)(b)d	Gas-fired storage water heaters (Option 2)	**8**	**8**
R408.2.3(2)(a)d	Gas-fired instantaneous water heaters (Option 1)	**9**	**9**
R408.2.3(2)(b)d	Gas-fired instantaneous water heaters (Option 2)	**10**	**9**
R408.2.3(3)d	Electric water heaters (Option 1)	**9**	**9**
R408.2.3(4)d	Electric water heaters (Option 2)	**8**	**8**
R408.2.3(5)(a)d	Electric water heaters (Option 3)	**8**	**8**
R408.2.3(5)(b)d	Electric water heaters (Option 4)	**8**	**9**
R408.2.3(6)d	Electric water heaters (Option 5)	**9**	**9**
R408.2.3(7)(a)d	Solar hot water heating system (Option 1)	**13**	**13**
		9	**9**

R408.2.3(7)(b)c	Solar hot water heating system (Option 2)		
R408.2.3(8)c	Compact hot water distribution	**2**	**2**
R408.2.4(1)c	Ductless or hydronic thermal distribution	**4**	**5**
R408.2.4(2)c	100% of *duct systems* in conditioned space	**3**	**4**
R408.2.4(3)c	≥ 80% of ductwork inside *conditioned space*	**3**	**3**
R408.2.4(4)c	Reduced total duct system leakage	**1**	**1**
R408.2.5(5)c	≤ 1.0 ACH50 with ERV or HRV installed	**0**	**1**
R408.2.6a	Energy efficient appliances	**1**	**1**
R408.2.7	On-site renewable energy measures	**16**	**17**
R408.2.8c	Demand responsive thermostat	**1**	**1**
R408.2.8.3c	Programable thermostat	**1**	**1**
R408.2.10	*Whole-home* lighting control	**1**	**1**
R408.2.12	Efficiency Group A: Encapsulated Attic	**10**	**10**
R408.2.13	Efficiency Group B: Vented Attic	**10**	**10**
R408.2.14	Dehumidifier	**5**	**5**

26. **R408.2.2 More efficient HVAC equipment performance options.**

~~a~~b. Heating and cooling *equipment* shall meet one of the following measures as applicable for the *climate zone* where heating and cooling efficiencies are represented by Annual Fuel Utilization Efficiency (AFUE), Coefficient of Performance (COP), Energy Efficiency Ratio (EER and EER2), Heating Season Performance Factor (HSPF2) and Seasonal Energy Efficiency Ratio (SEER2). Where multiple heating or cooling

systems are installed serving different *zones*, credits shall be earned based on the weighted average of square footage of the *zone* served by the system.

~~b~~c. HVAC options applicable to all *climate zones*:

1. Ground source heat pump: Greater than or equal to 16.1 EER and 3.1 COP ground source heat pump.

2. Cooling (Option 1): Greater than or equal to 15.2 SEER2 and 12.0 EER2 air conditioner.

3. Cooling (Option 2): Greater than or equal to 16.0 SEER2 and 12.0 EER2 air conditioner.

4. Gas furnace (Option 1): Greater than or equal to 97 percent AFUE *fuel gas* furnace.

5. Gas furnace (Option 2): Greater than or equal to 95 percent AFUE *fuel gas* furnace.

c. HVAC options applicable to Climate Zones 0, 1, 2 and 3:

1. Gas furnace (Option 3): Greater than or equal to 90 percent AFUE *fuel gas* furnace.

2. Gas furnace and cooling (Option 1): Greater than or equal to 90 percent AFUE *fuel gas* furnace and 15.2 SEER2 and 10.0 EER2 air conditioner.

3. Gas furnace and cooling (Option 2): Greater than or equal to 95 percent AFUE *fuel gas* furnace and 16.0 SEER2 and 10.0 EER2 air conditioner.

4. Gas furnace and heat pump (Option 1): Greater than or equal to 90 percent AFUE *fuel gas* furnace and 7.8 HSPF2, 15.2 SEER2 and 10.0 EER2 air source heat pump.

5. Heat pump (Option 1): Greater than or equal to 8.0 HSPF2, 17.0 SEER2, and 11.7 EER2 air source heat pump.

27. **R408.2.7 Renewable energy.** *Renewable energy resources* shall meet the requirements of R408.2.7.1 or R408.2.7.2.

~~28.~~ **R408.2.7.1 On-site Renewable energy.** *Renewable energy resources* shall be permanently installed on- site that have the rated capacity to produce not less than 1.0 watt of *on-site renewable energy* per square foot of *conditioned floor area*.

~~29.~~ **R408.2.7.1 On-site Renewable energy.** Renewable *energy resources* shall be permanently installed on- site that have the rated capacity to produce not less than 1.0 watt of *on-site renewable energy* per square foot of *conditioned floor area*.

~~30.~~ **R408.2.7.2 Off-site Renewable energy.** *Renewable energy resources* whether provided from a *community renewable energy facility (CREF)* or contracted from a physical or financial renewable energy power purchase agreement for not less than 1.0kWh per square foot of *conditioned floor area* on an annual basis.

~~31.~~ **R408.2.7.2.1 Renewable energy contract.** The renewable energy shall be delivered or credited to the building site under an energy contract with a duration of not less than 15 years. The contract shall be structured to survive a partial or full transfer of ownership of the building property.

~~32.~~ **R408.2.8.3 Programmable thermostat.** The *thermostat* controlling the primary heating or cooling system of the *dwelling unit* shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of day and different days of the week. This *thermostat* shall include the capability to set back or temporarily operate the system to maintain *zone* temperatures of not less than 55°F (13°C) to not greater than 85°F (29°C). The *thermostat* shall be programmed initially by the manufacturer with a heating temperature setpoint of not greater than 70°F (21°C) and a cooling temperature setpoint of not less than 78°F (26°C).

~~33.~~ **R408.2.12 Efficiency Group A: Encapsulated Attic**

All measures in this group must be met to qualify.

1.An air impermeable insulation installed to the underside or directly above the roof deck with a maximum U-factor of 0.035 or R-25.

a. Where installed below the roof deck the rafters on the insulated plane shall be wrapped (covered) by minimum R-3 unless directly covered by drywall /finished ceiling.

b. Roof rafters are not required to be covered by minimum R-3 if continuous insulation is installed above the roof deck.

2. Infiltration rate <2.5 ACH50

3. 100% of ducts shall be inside the building thermal envelope.

4. Indoor heating, cooling and ventilation equipment shall be inside the building thermal envelope.

(34)R408.2.13 Efficiency Group B: Vented Attic

1. Duct leakage 2% rough in total or 3% post construction total

2. Radiant barrier decking

3. WiFi enabled programmable thermostat

4. Sealed combustion appliances when located inside conditioned space

5. Higher efficiency equipment

    a. Furnace: 92% AFUE

    b. Heat Pump: 15.2 Seer2, 7.8 HSPF2, 11.7 EER2

(35) R408.2.14 Dehumidifier. Independently controlled Energy Star qualified dehumidifier directly ducted to living space with minimum 8" duct and accessible controls. May be combined with or used as part of required ventilation system.

(36) R502.2 Prescriptive compliance. Additions shall comply with Sections R502.2.1 through R502.2.5.

R502.2.1 Building thermal envelope. New building thermal envelope assemblies that are part of the addition shall comply with **Sections R402.1, R402.2, R402.4.1 through R402.4.5, and R402.5.**

Exceptions:

1. New building thermal envelope assemblies are exempt from the requirements of **Section R402.5.1.2.**

2. For buildings in climate zones 4 and 5, the maximum U-factor of 0.060 shall be permitted to be used for wood frame walls for compliance with Table R402.1.2 where complying with one or more of the following:

    1. Primary space heating serving the addition is provided by a heat pump that meets one of the efficiencies in R408.2.2.

    2. All installed water heaters serving the addition are heat pumps that meet one of the efficiencies in R408.2.3.

3. In addition to the number of credits required by Section R502.2.5, two additional credits from R408 are achieved.

4. *Renewable energy resources* are permanently installed that have the rated capacity to produce a minimum of 1.0 watt of *on-site renewable energy* per square foot of the *addition's conditioned floor area*.

(37)R502.2.5 Additional energy efficiency credit requirements for additions. *Additions* shall comply with sufficient measures from Table R408.2 to achieve not less than five credits or all measures from R408.2.12, or R408.2.13. *Alterations* to the *existing building* that are not part of the *addition* but are permitted with an *addition* shall be permitted to be used to achieve this requirement.

Exceptions:

1. Additions that increase the *building*'s total *conditioned floor area* by less than 25 percent.

2. *Additions* that do not include the addition or replacement of equipment covered in Section R403.5 or R403.7.

3. *Additions* that do not increase *conditioned space*.

4. Where the *addition* alone or the *existing building* and *addition* together comply with Section R405 or R406.

Appendix RG is hereby adopted.

APPENDIX RG – 2024 STRETCH CODE

RG101.3.1 Off-site Renewable energy. This section shall be permitted to be used to meet the requirements for one of the two measures for compliance with Section RG101.3. *Renewable energy resources* whether provided from a *community renewable energy facility (CREF)* or contracted from a physical or financial renewable energy power purchase agreement for not less than 1.0kWh per square foot of *conditioned floor area* on an annual basis.

RG101.3.1.1 Renewable energy contract. The renewable energy shall be delivered or credited to the building site under an energy contract with a duration of not less than 15 years. The contract shall be structured to survive a partial or full transfer of ownership of the building property.
Author: J. Seth Gowan, Lauren Kloess Latham, Lannie Smith

Statutory Authority: Code of Ala. 1975. §§ 34-14A-11, 34-14A-12.1, 34-14A-12.2, 34-14A-12.3, 34-14A-41, 34-14A-42, and 34-14A-43.
History: New Rule: Published ~~_____~~October 30, 2026; effective ~~_____~~December 14, 2026.

465-X-10-.08 Roof Construction Standards.

1. The 2024 Coastal Construction Code Supplement shall be adopted with following modifications for application and enforcement in the state of Alabama pursuant to Ala. Code Sec 34-14A-12, 12.1, and 12.2.

a. Compliance with the Coastal Construction Code Supplement is mandatory for roofing and re-roofing of residential structures located within the Counties of Baldwin and Mobile.

2. The 2024 Construction Code Supplement shall be adopted with following modifications for application and enforcement in the state of Alabama pursuant to Ala. Code Sec 34-14A-12, 12.1, and 12.2.

a. Compliance with the Construction Code Supplement is mandatory for roofing and re-roofing of residential structures located within all counties of the State other than the Counties of Baldwin and Mobile.

Author: J. Seth Gowan, Lauren Kloess Latham, Lannie Smith
Statutory Authority: Code of Ala. 1975. §§ 34-14A-11, 34-14A-12.1, 34-14A-12.2, 34-14A-12.3, 34-14A-41, 34-14A-42, and 34-14A-43.
History: New Rule: Published ~~_____~~October 30, 2026; effective ~~_____~~December 14, 2026.