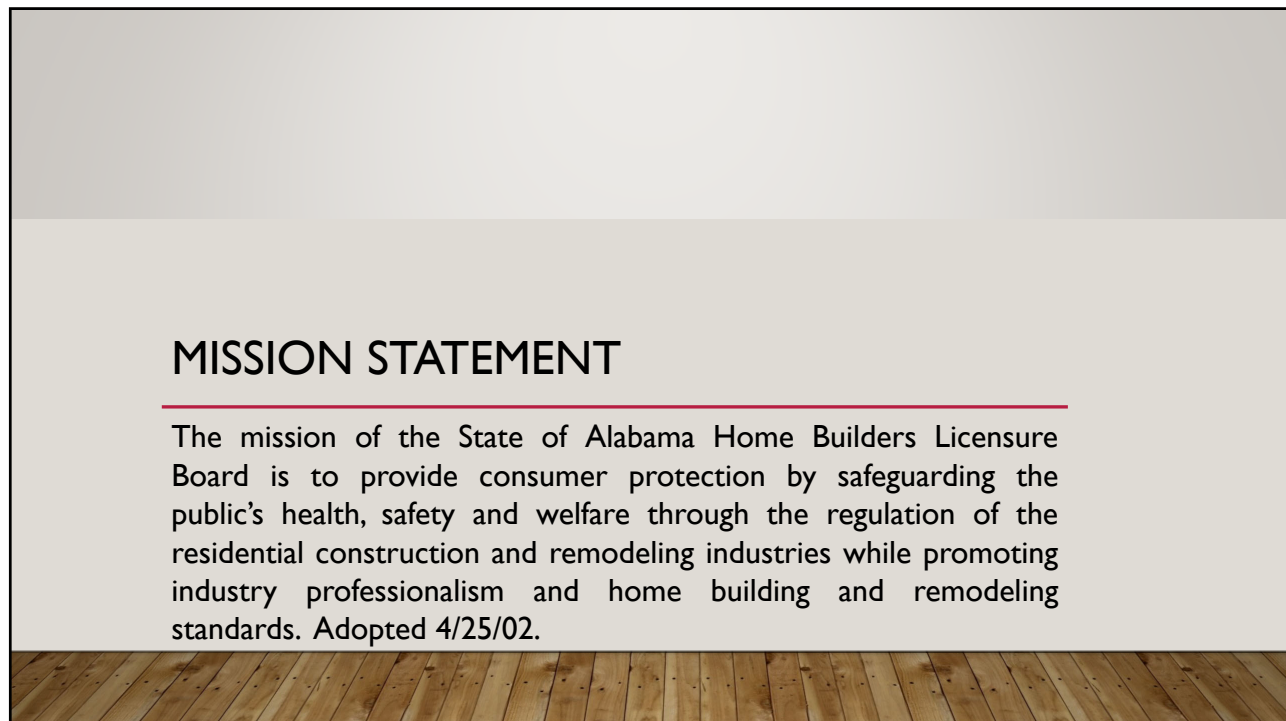




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2015 IRC USED IN BOARD INVESTIGATIONS

The Board's investigators will apply the 2015 International Residential Building Codes in cities and counties that have not adopted a building code.

Begins with investigations involving contracts dated **February 13, 2022**, or later.

3

REVIEW OF WHAT YOU SHOULD KNOW

JUST A BRIEF REMINDER.

4

DEFINITIONS

RESIDENTIAL HOMEBUILDER

A person who constructs a **residence** or **structure** for sale or who, for a fixed price, commission, fee, or wage, undertakes or offers to undertake the construction or superintending of the construction, or who manages, supervises, assists, or provides consultation to a homeowner regarding the construction or superintending of the construction, of any residence or structure that is not over three floors in height and that does not have more than four residential units, or the repair, improvement, or reimprovement thereof, to be used by another as a residence when the **cost of the undertaking** exceeds ten thousand dollars (\$10,000).

5

DEFINITIONS

RESIDENTIAL HOME BUILDER (Continued)

Notwithstanding the foregoing, the term includes a residential roofer when the cost of the undertaking exceeds two thousand five hundred dollars (\$2,500). **Nothing herein shall prevent any person from performing these acts on his or her own residence or on his or her other real estate holdings.** Anyone who engages or offers to engage in any acts described in this subdivision, through advertising or otherwise, shall be deemed to have engaged in the business of residential home building. Ala. Code § 34-14A-2 (12).

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DEFINITIONS

COST OF THE UNDERTAKING

The total cost of the materials, labor, supervision, overhead, and profit.

Ala. Code § 34-14A-2 (3).

7

DEFINITIONS

IMPROVEMENT

Any site-built addition or enhancement attached to or detached from a residence or structure for use and enjoyment by the homeowner.

Ala. Code § 34-14A-2 (5).

8

DEFINITIONS

RESIDENCE

A single unit providing complete independent residential living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Ala. Code § 34-14A-2(11).

9

DEFINITIONS

RESIDENTIAL ROOFER

A person that installs products or repairs surfaces on the external upper covering of a residence or structure that seals, waterproofs, or weatherproofs the residence or structure. Ala. Code § 34-14A-2 (13).

10

DEFINITIONS

STRUCTURE

A residence **on a single lot**, including a site-built home, a condominium, a duplex or multi-unit residential building consisting of not more than four residential units or any improvement thereto. Ala. Code § 34-14A-2(14).

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A REVIEW OF WHAT YOU SHOULD KNOW

LICENSE REQUIREMENT

All residential home builders shall be required to be licensed by the Home Builders Licensure Board annually. Ala. Code § 34-14A-5(a).

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A REVIEW OF WHAT YOU SHOULD KNOW

TYPE OF LICENSE

Unlimited License



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A REVIEW OF WHAT YOU SHOULD KNOW

TYPE OF LICENSE

Limited License

- Contracts directly with homeowner
- The cost of the undertaking exceeds \$10,000
- The job involves only one construction activity and does not affect the structural integrity of the residence.



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A REVIEW OF WHAT YOU SHOULD KNOW

TYPE OF LICENSE

Roofing License

- Contracts directly with homeowner
- The cost of the undertaking exceeds \$2,500



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A MORE IN DEPTH LOOK AT EXEMPTIONS

EXEMPTIONS

- Employees of a Licensee
- Employees of the United States, State of Alabama, or any municipality, county, or other political subdivision
- Exempt General Contractors (GC License Number **18907** or below)
- Real estate licensee, licensed engineers, and licensed architects operating within the scope of their respective licenses on behalf of clients

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A MORE IN DEPTH LOOK AT EXEMPTIONS

HOMEOWNER EXEMPTION

Owners of property when acting as their own contractor and providing all material supervision themselves, when building or improving one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale. **This exemption is a nontransferable privilege.** Ala. Code § 34-14A-6(5)(a).

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A MORE IN DEPTH LOOK AT EXEMPTIONS

HOMEOWNER EXEMPTION CONTINUED

In any action brought under this chapter, proof of the sale or offering for sale of such structure by the owners of property, as provided in this subdivision, within one year after completion of same is presumptive evidence that the construction was undertaken for the purpose of sale.

Ala. Code § 34-14A-6(5)(a).

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A MORE IN DEPTH LOOK AT EXEMPTIONS

HOMEOWNER EXEMPTION CONTINUED

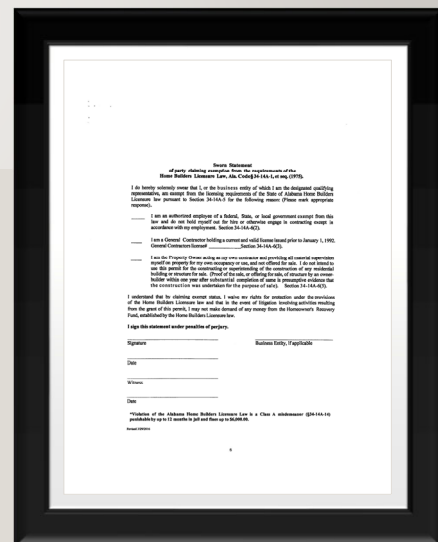
- Homeowner Affidavit
- Contractors working directly for homeowner
- Homeowners hiring contractor after claiming exemption
- Non-transferability of exemption
- Flipping**

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A MORE IN DEPTH LOOK AT EXEMPTIONS

CLAIMING EXEMPTIONS

Available on the Board's website.



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A MORE IN DEPTH LOOK AT EXEMPTIONS

EXEMPTIONS CONTINUED

Mobile & Manufactured Homes Ala. Code § 34-14A-6(6).

Agricultural buildings, except for any residence contained therein.

Ala. Code § 34-14A-6(7).

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A MORE IN DEPTH LOOK AT EXEMPTIONS

AGRICULTURAL BUILDING

A building, not meeting the definition of residence or structure within the Act, and used for raising, harvesting, and selling crops or for the feeding, breeding, management, raising, sale of, or the production of livestock, including beef cattle, sheep, swine, horses, ponies, mules, poultry, fur-bearing animals, honeybees, and fish, or for dairying and the sale of dairy products, or for the growing and sale of timber and forest products, or any other agricultural or horticultural use or animal husbandry and any combination thereof pursuant to Ala. Code § 40-8-1(b)(1). Ala.Admin. Code r. 465-X-1-.01(3)

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A REVIEW OF WHAT YOU SHOULD KNOW

- Reporting and Handling Violations (Deny permit application from violators)
 - Unlicensed Builders
 - Licensees Working Beyond the Scope of License
- Stop Work Orders
 - Posted by the Board
 - Posted by Inspections Department

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REVIEW OF WHAT YOU SHOULD KNOW

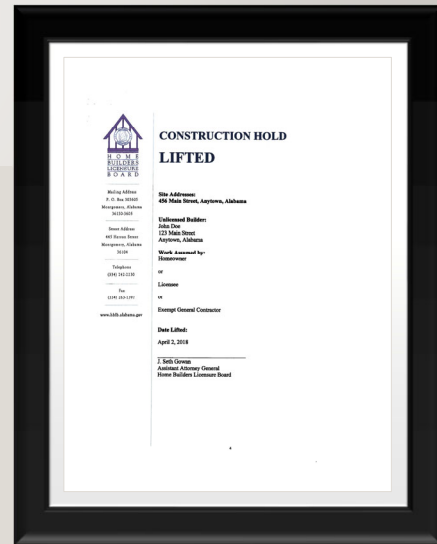
It is the duty of the building official, or other authority charged with the duty, of issuing building or similar permits, of any incorporated municipality or subdivision of the municipality or county, to **refuse to issue a permit for any undertaking which would require a license hereunder unless the applicant has furnished evidence that he or she is either licensed as required by this chapter or is exempt from the requirements of this chapter.** The building official, or other authority charged with the duty of issuing building or similar permits, **shall report to the board the name and address of any person who, in his or her opinion, has violated this chapter.** Ala. Code § 34-14A-13.

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REVIEW OF WHAT YOU SHOULD KNOW

Board will lift the stop work order and provide notification upon receipt of the following :

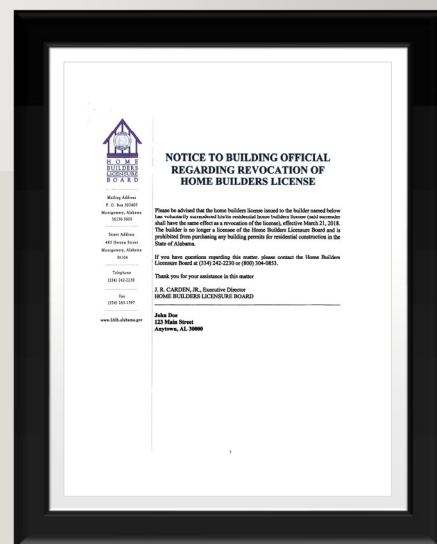
- Affidavit from homeowner, licensee, or exempt general contractor
- Building permit issued to licensee
- Contract between homeowner and licensee



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A REVIEW OF WHAT YOU SHOULD KNOW

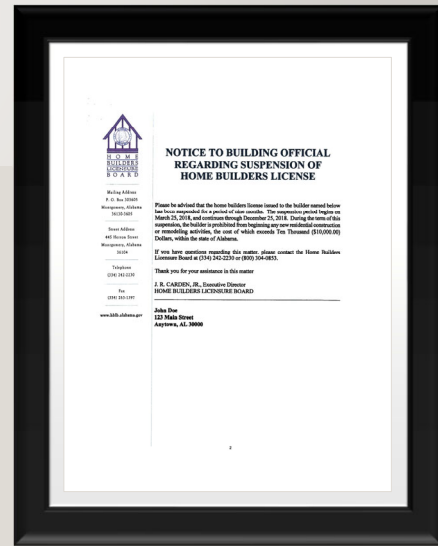
REVOCATION OF LICENSE



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A REVIEW OF WHAT YOU SHOULD KNOW

SUSPENSION OF LICENSE



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POSSIBLE LIABILITY ISSUES

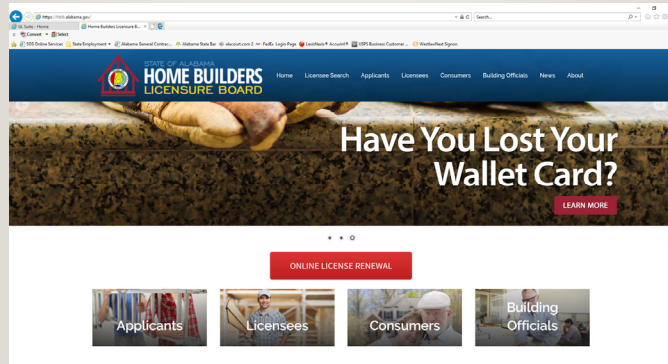
Issuing permit to non-licensed entity.

Issuing permit to non-exempt GC.
(License number is 18907 or below.)

Issuing permit for work beyond the scope of the license.

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WHAT YOU SHOULD KNOW



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THINGS YOU SHOULD DO

- ✓ Check the license card.
- ✓ Have the homeowner sign the homeowner exemption affidavit.
- ✓ Report Unlicensed Builder Activity to the Board.
- ✓ Report licensee working beyond the scope of their license.
- ✓ Ensure that there is a written/signed **contract** between the homeowner and licensee.

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HOME BUILDERS LICENSURE BOARD

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(334) 242-2230 or (800) 304-0853
www.hblb.alabama.gov



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