

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-1-.01
Rule Title: Definition Of Terms
New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

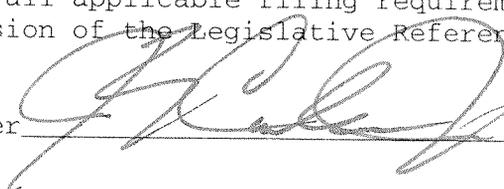
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 11/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-1-.01 **Definition of Terms**

INTENDED ACTION: The Board proposes to amend rule 465-X-1-.01 to correctly number the rule; to eliminate unnecessary terms; to clarify existing definitions of terms within the Board's governing statute and to clarify the definition of the term "violation of the Act".; and to provide a definition of "repair, improvement, or reimprovement" as that term is used in Ala. Code § 34-14A-2(10).

SUBSTANCE OF PROPOSED ACTION:

The amendment correctly numbers the rule; eliminates unnecessary or duplicative terms; clarifies definitions of terms used in the rules; creates a definition for "repair, improvement, or reimprovement" as that term is used the Ala. Code § 34-14A-2(10) 1975.

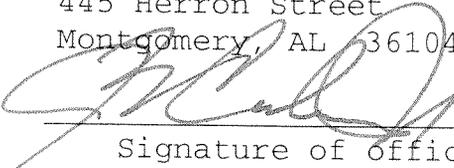
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-1-.01

Rule Title: Definition of Terms.

_____ New ___X___ Amend _____ Repeal _____ Adopt by Reference

___X___ This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION:
Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

Not applicable.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:
Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-2-.03
Rule Title: Executive Director; Board Members.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

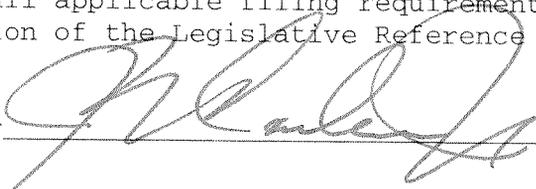
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-2-.03 **Executive Director; Board Members.**

INTENDED ACTION: The Board proposes to amend rule 465-X-2-.03, which concerns the duties of the executive director.

SUBSTANCE OF PROPOSED ACTION:

The amendment provides that the executive director may designate an employee of the Board to perform the duties of custodian of records for the Board.

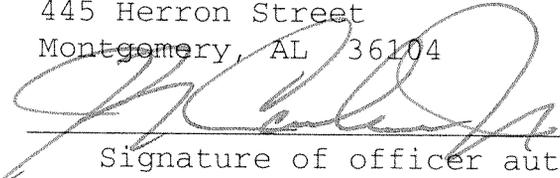
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-2-.03

Rule Title:

Executive Director; Board Members.

_____ New Amend _____ Repeal _____ Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION:
Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

Not applicable.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

Not applicable.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-2-.07
Rule Title: Applicability of the Act.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-2-.07 **Applicability of the Act.**

INTENDED ACTION: The Board proposes to amend rule 465-X-2-.07.

SUBSTANCE OF PROPOSED ACTION:

The amendment corrects the numbering format of the text of the rule and does not amend the substance of the rule.

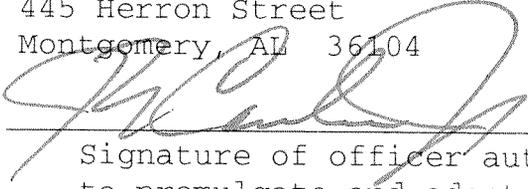
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Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-2-.07

Rule Title: Applicability of the Act.

_____ New Amend _____ Repeal _____ Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION:
Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

Not applicable.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

Not applicable.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-3-02
Rule Title: Filing.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

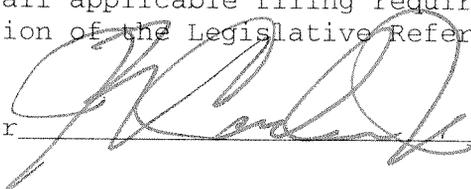
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? YES

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 12/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-3-.02 **Filing.**

INTENDED ACTION: The Board proposes to amend rule 465-X-3-.02 to provide for the timely filing of applications for licensure.

SUBSTANCE OF PROPOSED ACTION:

The amendment will allow an application to be deemed "filed" on the date it is postmarked, rather than on the date it is received. It clarifies that completed applications will be considered by the Board.

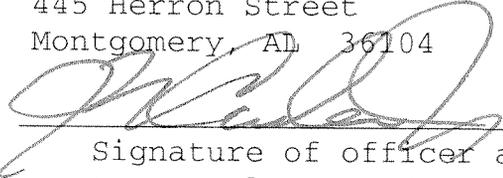
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104


Signature of officer authorized to promulgate and adopt rules or his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-3-.02

Rule Title: Filing.

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: By considering applications timely filed as of the date the application is postmarked, rather than on the date it is received by the Board, applicants will avoid having to pay a late fee.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: The amendment will have a cost benefit to the licensee, i.e., he will be able to avoid paying a late fee provided the license is timely postmarked. There will be no cost to the Board for the implementation of the rule.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
The implementation and enforcement of this amendment will be the responsibility of Board staff and will not require any additional revenues.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: The applicants for licensure will benefit from the rule, as it will enable them to avoid a late fee, as long as the application is postmarked timely. The Board will likely see a reduction in late fees collected.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-3.04
Rule Title: Licensing.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? **YES**

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? **YES**

Is there another, less restrictive method of regulation available that could adequately protect the public? **NO**

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? **NO**

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? **NO**

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? **YES**

Does the proposed rule have an economic impact? **YES**

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-3-.04 **Licensing.**

INTENDED ACTION: The Board proposes to amend rule 465-X-3-.04 to provide for the licensure of those persons performing repair, improvement, or reimprovement to a residential construction, when the cost of the undertaking exceeds \$10,000.

SUBSTANCE OF PROPOSED ACTION:

The amendment will provide for the issuance of a limited license i.e., a license which would allow a contractor, when contracting directly with a homeowner, to perform single-trade, nonstructural construction activities, when the cost of the undertaking exceeds \$10,000. The amendment will provide for the examination of the applicant, as required by Ala. Code § 34-14A-7 (1975); for the issuance of a "limited" license to those who meet the licensure requirements; for the consumer protection of homeowners who contract directly with the holder of the limited license; and for a homeowner who contracts directly with a licensee holding a limited license to have access to the Homeowners Recovery Fund in accordance with Ala. Code § 34-14A-15(1975).

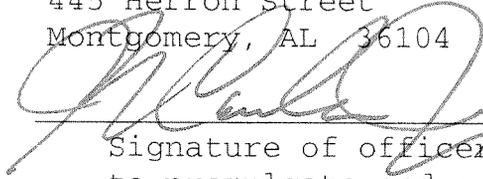
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3,
2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-3-.04

Rule Title: Licensing.

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: This rule is needed to comply with the Board's governing statute, Ala. Code § 34-14A-1 *et seq.* (1975). By licensing those persons who perform repair, improvement, or reimprovement activities on a residence, the Board will be providing consumer protection to the public. Licensees will have to meet the financial, experience and ability, and character requirements for licensure. Homeowners will have an opportunity to file consumer complaints with the Board, and will have access to the Homeowners' Recovery Fund.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: The amendment will cause persons performing repair/improvement/reimprovement construction activities to a residence to become licensed. The cost of the license will be \$205 per year. Contracting with a licensed residential home builder will provide the consumer with consumer protection provided by the Board's complaint procedures and the Homeowners' Recovery Fund.
3. EFFECT OF THIS RULE ON COMPETITION: This rule will not have an adverse effect on competition, as it will apply to all home builders performing repair/improvement/reimprovement construction activities on a residence.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
The implementation and enforcement of this amendment is the responsibility of the Board and the fees collected by the Board will cover the costs. No additional revenues will be required.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: This rule will provide consumer protection to persons not currently receiving such protection. Consumers contracting directly with a licensed residential home builder to perform repair/improvement/reimprovement construction activities will be able to file complaints with the Board, have those complaints investigated, and have access to the Homeowners' Recovery Fund. All these things are provided in an effort to protect the public from unscrupulous contractors who may pose a danger to the health, safety, and welfare of residential housing consumers.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Due to the extreme tornado damage to residential constructions throughout the state, homeowners need to be able to contract with licensed residential home builders who perform single-trade, non-structural construction activities, as well as those who perform new construction and remodeling. Otherwise, homeowners who contract for repair/ improvement/ or reimprovement activities will not have the consumer protections afforded those who contract to have a new residence constructed.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-3.06
Rule Title: Annual License Renewal, Consequence of Failure to Renew.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

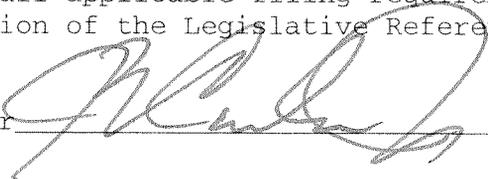
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-3-.06 **Annual License Renewal; Conequence of Failure to Renew.**

INTENDED ACTION: The Board proposes to amend rule 465-X-3-.06 to correctly reflect the sections, by number, which must be complied with in order to renew a license without limitation, and to provide the procedure for renewing such license.

SUBSTANCE OF PROPOSED ACTION:

The amendment will provide the procedure for renewing a license with limitation, including: the timely filing of a renewal application, the payment of fees, demonstrating proof of financial responsibility, demonstrating good character and willingness to serve the public and conserve the public health and safety, providing other information required by the Board, providing proof that the applicant is in good standing with the Alabama Department of Revenue and that the applicant, if a corporation, partnership, or limited liability company, is registered to conduct business within the State of Alabama.

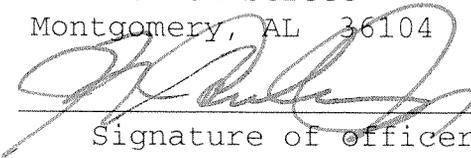
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized to promulgate and adopt rules or his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-3-.06

Rule Title: Annual License Renewal; Consequence of Failure to Renew.

_____ New ___X___ Amend _____ Repeal _____ Adopt by Reference

___X___ This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION:
Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
Not applicable.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-3.11
Rule Title: Continuing Qualification.
New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer [Signature]
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board

NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-3-.11 **Continuing Qualification.**

INTENDED ACTION: The Board proposes to amend rule 465-X-3-.11 to correct the numbering format.

SUBSTANCE OF PROPOSED ACTION:

The amendment corrects the numbering format of the text of the rule in order to correctly reference sections which must be complied with in order to continue to satisfy the experience and ability requirements for licensure.

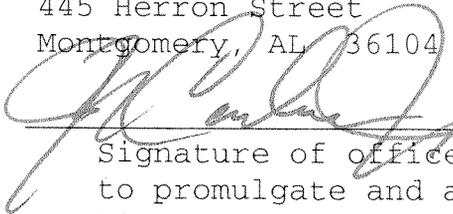
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized to promulgate and adopt rules or his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-3-.11

Rule Title: Continuing Qualification.

_____ New ___X___ Amend _____ Repeal _____ Adopt by Reference

___X___ This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION:
Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
Not applicable.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-3-12
Rule Title: Continuing Qualification for Applicants in Counties Having Populations of Less than 30,000.

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

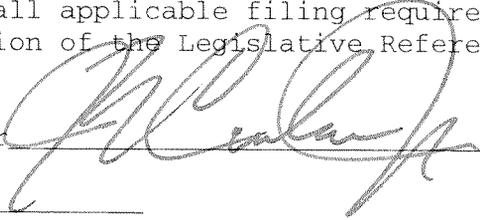
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-3-.12 **Continuing Qualification for Applicants in Counties Having Populations of Less than 30,000.**

INTENDED ACTION: The Board proposes to amend rule 465-X-3-.12 to correct the numbering format.

SUBSTANCE OF PROPOSED ACTION:

The amendment corrects the numbering format of the text of the rule in order to correctly reference sections which must be complied with in order for a licensee to continue to satisfy the experience and ability requirements for licensure.

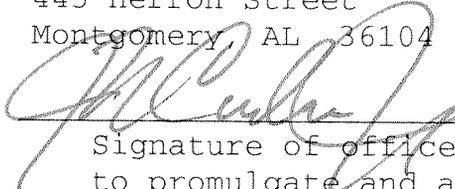
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized to promulgate and adopt rules or his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-3-.12

Rule Title: Continuing Qualification for Applicants in Counties Having Populations of Less than 30,000.

_____ New Amend _____ Repeal _____ Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION:
Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
Not applicable.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
Not applicable.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:
Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-3.13
Rule Title: Continuing Qualification for Applicants in Washington County.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

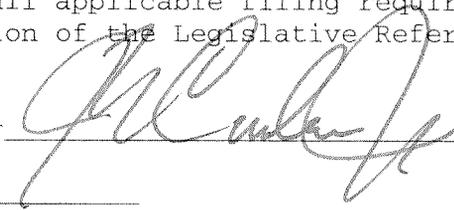
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board

NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-3-.13 **Continuing Qualification for Applicants in Washington County.**

INTENDED ACTION: The Board proposes to amend rule 465-X-3-.13.

SUBSTANCE OF PROPOSED ACTION:

The amendment corrects the section number of the administrative regulation which must be complied with in order for a licensee to continue to satisfy the experience and ability requirements for licensure.

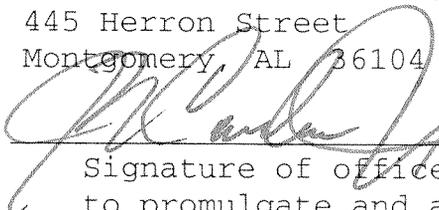
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized to promulgate and adopt rules or his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-3-.13

Rule Title: Continuing Qualification for Applicants in Washington County.

_____ New ___X___ Amend _____ Repeal _____ Adopt by Reference

___X___ This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION:
Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
Not applicable.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-3.14
Rule Title: Continuing Qualification for Applicants Holding a License With
Limitation
X New _____ Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-3-.14 Continuing Qualification for Applicants Holding a License With Limitation.

INTENDED ACTION: The Board proposes to amend rule 465-X-3-.14.

SUBSTANCE OF PROPOSED ACTION:

The amendment establishes the requirements with which a holder of a limited license must comply in order to continue to satisfy the experience and ability requirements for licensure.

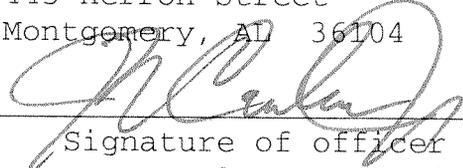
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized to promulgate and adopt rules or his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-3-.14

Rule Title: Continuing Qualification for Applicants Holding a License With Limitation.

_____ New ___X___ Amend _____ Repeal _____ Adopt by Reference

___X___ This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION:
Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
Not applicable.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
Not applicable.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:
Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-4.04
Rule Title: Fees.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

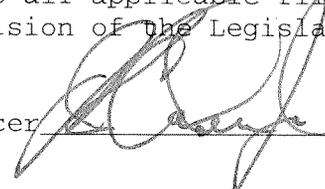
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? YES

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-4-.04 **Fees.**

INTENDED ACTION: The Board proposes to amend rule 465-X-4-.04

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to amend 465-X-4-.04, postponing the collection of a \$100.00 nonrefundable application processing fee for new applicants until January 1, 2012. Beginning on that date, the Board will collect the fee from applicants who submit an application for a new license. The amendment will also provide that the \$25 application package fee is only paid when an applicant for a new license requests a paper application package.

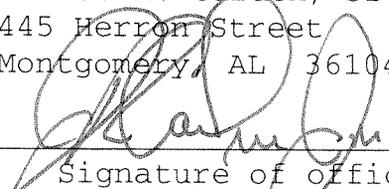
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-4-.04

Rule Title: Fees.

_____ New Amend _____ Repeal _____ Adopt by Reference

_____ This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: The Board is charged with examining every applicant for licensure, whether a new or renewal license. Processing new applications for licensure is time and labor intensive. More man-hours are spent processing a new application than for processing any other application. More documents have to be reviewed, analyzed, and evaluated to determine whether all licensure standards are met. This fee has not been increased since 1998, when the Board had many fewer licensees and fewer required documents.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: See number one above.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: The cost of implementing and enforcing this rule will come from Board funds.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: There will be no long-term economic impact. Any short-term economic impact will be for one year only, as the fee is

for "new" license applications and is not required for the renewal of an existing license. There will be no economic impact on consumers.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-5.02
Rule Title: Initiation of Proceedings..
New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-5-.02 **Initiation of Proceedings.**

INTENDED ACTION: The Board proposes to amend rule 465-X-5-.02.

SUBSTANCE OF PROPOSED ACTION:

The amendment clarifies that the Board may discontinue its investigation of a consumer complaint or dismiss a pending disciplinary proceeding; and that the homeowner filing a consumer complaint must do so within six years of substantial completion of the construction.

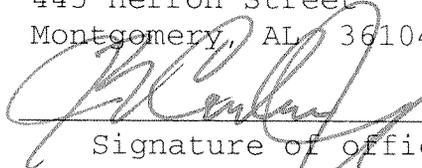
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-5-.02

Rule Title: Initiation of Proceedings.

_____ New Amend _____ Repeal _____ Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE,
EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND
ACHIEVING THE STATED PURPOSE:
Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN
THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA
WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING
THIS RULE: Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON
AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL
BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND
BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE
BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC
HEALTH: Not applicable.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF
THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-5.03
Rule Title: Complaint Procedure.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

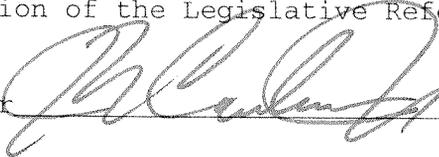
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/22/01

(DATE FILED)
(STAMP)

APA-2
11/96

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-5-.03 **Complaint Procedure.**

INTENDED ACTION: The Board proposes to amend rule 465-X-5-.03.

SUBSTANCE OF PROPOSED ACTION:

The amendment clarifies that the Board is limited to investigating only complaints against a person within the Board's jurisdiction.

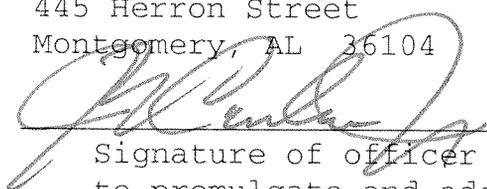
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104


Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-5-.03

Rule Title: Complaint Procedure.

_____ New ___X___ Amend _____ Repeal _____ Adopt by Reference

___X___ This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-5.05
Rule Title: Prehearing Discovery.
New Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? **NO**

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? **YES**

Is there another, less restrictive method of regulation available that could adequately protect the public? **NO**

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? **NO**

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? **NO**

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? **YES**

Does the proposed rule have an economic impact? **NO**

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-5-.05 **Prehearing Discovery.**

INTENDED ACTION: The Board proposes to amend rule 465-X-5-.05.

SUBSTANCE OF PROPOSED ACTION:

The amendment limits the prehearing discovery by disallowing the entry upon land for inspection and other purposes.

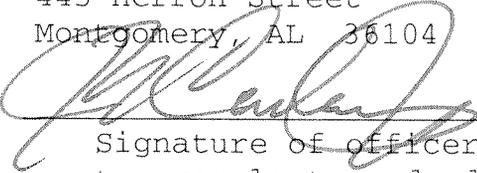
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-5-.05

Rule Title: Prehearing Discovery.

_____ New Amend _____ Repeal _____ Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board

Rule No. 465-X-5.07

Rule Title: Discipline.

_____ New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

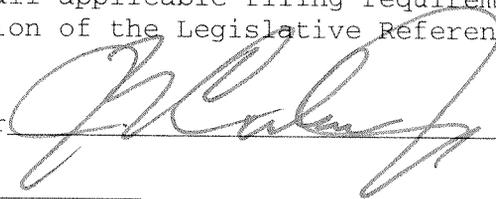
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-5-.07 **Discipline.**

INTENDED ACTION: The Board proposes to amend rule 465-X-5-.07.

SUBSTANCE OF PROPOSED ACTION:

The amendment corrects the numbering format of the rule. The amendment does not affect the substance of the rule.

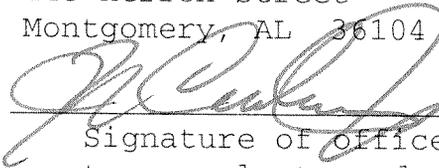
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

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P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-5-.07

Rule Title: Discipline.

_____New Amend _____Repeal _____Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-5-10
Rule Title: Reissuance or Reinstatement of License After Revocation or Suspension.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

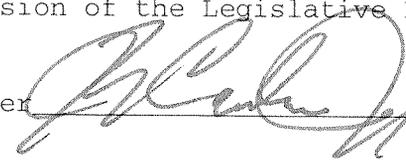
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-5-.10 Reissuance or Reinstatement
of License After Revocation or suspension.

INTENDED ACTION: The Board proposes to amend rule 465-X-5-.10.

SUBSTANCE OF PROPOSED ACTION:

The amendment changes the section numbering so as to correctly reference the amended rules.

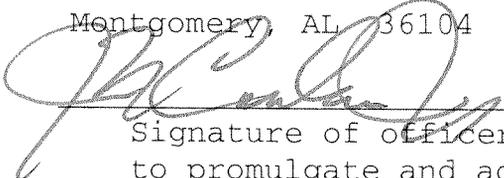
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

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Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-5-.10

Rule Title: Reissuance or Reinstatement of License After
Revocation or suspension.

_____New Amend _____Repeal _____Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

APA-2
11/96

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-5-.14 **Public Records-Public**
Information.

INTENDED ACTION: The Board proposes to amend rule 465-X-5-.14.

SUBSTANCE OF PROPOSED ACTION:

The amendment clarifies that the Board must release certain information to the public regarding complaint and investigation files.

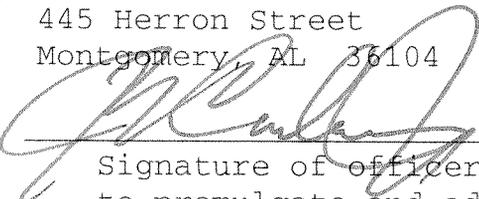
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-5-.14

Rule Title: Public Records-Public Information.

_____New Amend _____Repeal _____Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-7-.01
Rule Title: Homeowners' Recovery Fund.
New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? **NO**

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? **YES**

Is there another, less restrictive method of regulation available that could adequately protect the public? **NO**

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? **NO**

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? **NO**

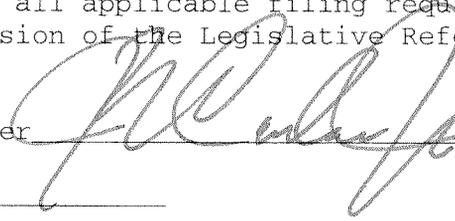
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? **YES**

Does the proposed rule have an economic impact? **NO**

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/94

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-7-.01 **Homeowners' Recovery Fund.**

INTENDED ACTION: The Board proposes to amend rule 465-X-7-.01.

SUBSTANCE OF PROPOSED ACTION:

The amendment clarifies: that the Board may pay from the Homeowners' Recovery Fund to Homeowners who have contracted directly with a licensee of the Board, including licensees holding a limited license; that estimates for repairs on which payment is based must be submitted by a licensee of the Board holding the type license required to perform the work described in the estimate.

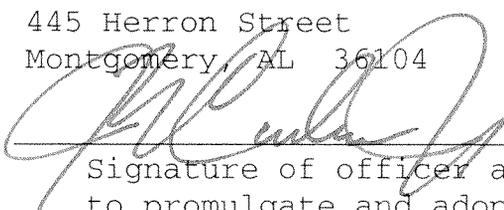
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-7-.01

Rule Title: Homeowners' Recovery Fund.

_____New ___X___Amend _____Repeal _____Adopt by Reference

___X___ This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-7-02
Rule Title: Procedure for Making a Claim Against the Homeowners' Recovery Fund.
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

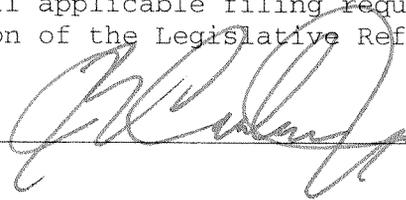
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 4/20/11

(DATE FILED)
(STAMP)

APA-2
11/96

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-7-.02 Procedure for Making a Claim
Against the Homeowners' Recovery Fund.

INTENDED ACTION: The Board proposes to amend rule 465-X-7-.02.

SUBSTANCE OF PROPOSED ACTION:

The amendment clarifies that estimates for repairs on which payment from the Homeowners' Recovery Fund is based must be submitted by a licensee of the Board holding the type license required to perform the work described in the estimate. The rule also amends certain of the language to make it consistent with the remainder of the rule.

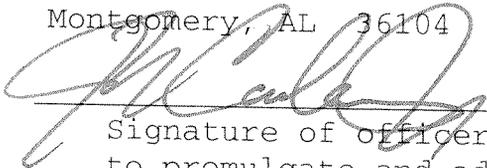
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104


Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. 465

Department or Agency

Home Builders Licensure Board

Rule No: 465-X-7-.02

Rule Title: Procedure for Making a Claim Against the Homeowners' Recovery Fund.

_____ New Amend _____ Repeal _____ Adopt by Reference

This rule has no economic impact.

_____ This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: Not applicable.
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: Not applicable.
3. EFFECT OF THIS RULE ON COMPETITION: Not applicable.
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: Not applicable.
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: Not applicable.
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE: Not applicable.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Not applicable.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Not applicable.
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Not applicable.

****Additional pages may be used if needed.**

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-7-.03
Rule Title: Subrogation.
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

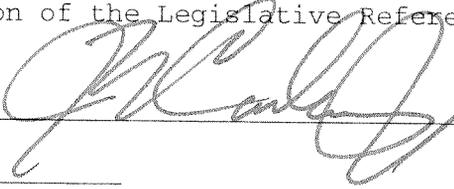
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 
Date 6/20/11

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builder Licensure Board

RULE NO. & TITLE: 465-X-7-.03 **Subrogation.**

INTENDED ACTION: The Board proposes to amend rule 465-X-7-.03.

SUBSTANCE OF PROPOSED ACTION:

The amendment corrects punctuation errors in the body of the rule.

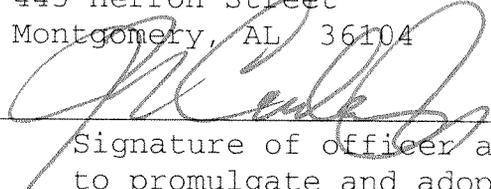
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning June 30, 2011. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

Mr. J. R. Carden, Jr., Executive Director
Home Builders Licensure Board
P. O. Box 303605
Montgomery, AL 36130-3605

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2011.

CONTACT PERSON AT AGENCY: Mr. J. R. Carden, Jr., Exec. Director
445 Herron Street
Montgomery, AL 36104



Signature of officer authorized
to promulgate and adopt rules or
his or her deputy)

465-X-1-01 Definition Of Terms.

(1) Code of Ala. 1975, § 34-14A-2, provides for definitions of the following terms: Board, Residential Home Builder, Home Builders Licensure Board, Homeowner, Contracting, Licensee, License, Inactive License, Person, ~~Dwelling Residence~~, and Structure, and Transaction. Residential remodelers are included within the definition of "Residential Home Builders."

(2) Act. The term "Act" as used in these rules shall mean Title 34, Chapter 14A of the Code of Ala. 1975 regulating the home building and home improvement industries.

(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 Home Builders Licensure Board.~~

~~(5) License. The term "license" as used in these rules shall mean a license issued or renewed to a residential home builder by the Board pursuant to the Act.~~

~~(6) 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.~~

~~(7)~~(4) Homeowners' Recovery Fund. The term "Homeowners' Recovery Fund" as used in these rules shall mean that special fund deposited into the State Treasury and held by the Board in trust for the purpose of carrying out the provisions of Section 15 of the Act.

~~(8)~~(5) Violation of the Act. The term "violation of the Act" as used in these rules shall mean any of the following:

(a) That a licensee:

1. has committed fraud or deceit in obtaining a license,
2. is guilty of gross negligence, incompetence, or misconduct in the practice of residential home building,
3. has failed to maintain a valid license,
4. has performed residential construction activity outside or beyond the scope of the license issued.

~~4.5~~ has violated any applicable building law or code adopted by a county or municipality pursuant to Section 12 of the Act, or

~~5-6.~~ has failed to repay any amount paid out of the Homeowners' Recovery Fund on behalf of the licensee; or

(b) That a residential home builder has failed to procure a valid license.

~~(9)(6)~~ The term "gross negligence" as used in Code of Ala. 1975, § 34-14A-8 ~~(1995 Cum. Supp.)~~, shall mean engaging in the business of residential home building by a licensee (including by its duly authorized agent), characterized by that licensee's reckless disregard for the rights, safety, or welfare of homeowners, which could result in injury or damage to life or property or financial loss.

~~(10)(7)~~ The term "incompetence" as used in Code of Ala. 1975, § 34-14A-8 ~~(1995 Cum. Supp.)~~, shall mean engaging in the business of residential home building by a licensee (including by its duly authorized agent) who fails to perform in a reasonable manner under the standard used in that community for residential home building, including but not limited to the proper supervision of subcontractors.

~~(11)(8)~~ The term "misconduct" as used in Code of Ala. 1975, § 34-14A-8 ~~(1995 Cum. Supp.)~~, shall mean engaging in the business of residential home building by a licensee who intentionally makes any assertions or representations which are fraudulent, deceitful, or misleading to a homeowner or otherwise knowingly or intentionally engages in conduct which is fraudulent, deceitful or misleading to a homeowner. Misconduct of a licensee also includes but is not limited to knowingly or intentionally falsely representing itself as the residential home builder in charge of residential construction, including but not limited to, purchasing building permits for unlicensed builders, or otherwise assisting unlicensed builders in the business of residential home building through the use of its license.

~~(12)(9)~~ The term "cost of the undertaking" as used in Code of Ala. 1975, § 34-14A-2 ~~(1)~~ (10) shall mean the total cost of the materials, labor, supervision, overhead and profit.

(10) The term "repair, improvement, or reimprovement" as used in Code of Ala. 1975, § 34-14A-2(10) shall mean engaging in the business of residential homebuilding by contracting directly with a homeowner to perform construction on a residence or structure, when the cost of the undertaking exceeds \$10,000, and when the construction does not affect the structural integrity of a residence or structure, and does not involve more than one trade. Repair, improvement, or reimprovement does not include construction activities performed by persons who are otherwise licensed and regulated by the State of Alabama and who are operating within the scope of their respective licenses on behalf of clients.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§ 34-14A-1, 34-14A-2, 34-14A-8, 34-14A-11, 34-14A-14, 34-14A-15.

History: New Rule: Filed May 12, 1993, effective June 16, 1993.

Amended: Filed April 2, 1997; effective May 7, 1997. **Amendment and Emergency Amendment** filed October 1, 1997; Emergency Amendment effective October 1, 1997.

Amended: Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Emergency Amendment:** Emergency amendment filed May 31, 2011;

Emergency Amendment effective May 31, 2011;

465-X-2-.03 Executive Director; Board Members.

(1) The Board shall select and employ an Executive Director who shall be responsible for the administration of Board policies. The Executive Director shall fulfill the duties assigned to the executive secretary, secretary/treasurer, or secretary in the Act and Alabama Administrative Procedure Act. The Executive Director shall be designated as the agent for the Board for service of legal process upon the Board; and act as its recording and corresponding secretary, and The Executive Director, or his designee, shall serve as custodian of records for the Board. The Executive Director shall have custody of and shall safeguard and keep in good order all property and records of the Board; cause written minutes of every meeting of the Board to be kept in the book of minutes of this Board; sign all instruments and matters that require approval of the Board; act as Treasurer and receive and deposit all funds to the credit of either the "Home Builders Licensure Board Fund," the "Property Acquisition Fund," or the "Homeowners' Recovery Fund" in the state treasury; sign all bills before requesting the state comptroller to make payment of any accounts; and perform such other duties as the Board, the Chairman, the Vice Chairman, or the Secretary/Treasurer may assign. The records kept shall include, without limitation, all license applications and supporting documentation and information; all other evidence of the important business transactions of the Board; a complete and permanent record of all applications rejected, licenses issued, and the findings of the Board regarding all examinations; all enforcement and disciplinary actions taken by the Board; all jurisdictions covered by the Act; and a correct permanent record and account of the monies and funds of the Board kept in accordance with sound accounting principles. Upon the Board's instruction, the Executive Director may issue licenses in accordance with the standards established by the Board. All correspondence to the Board, including requests for information and all submissions of the requests should be made to the Executive Director at the Board's office in Montgomery, Alabama.

(2) The Board may employ other full or part-time administrative staff, including an administrative assistant and secretaries or others, who shall work under the direction and supervision of the Executive Director.

(3) All Board administrative staff, including the Executive Director and the administrative assistant, 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. Members of the Board may also receive \$300.00 per day, not to exceed fifteen days per year, for attending meetings of the Board or its committees.

(4) The titles "Executive Secretary" and "Executive Director" may be used interchangeably.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield.

Statutory Authority: Code of Ala. 1975, §§ 34-14A-3, 34-14-A-4, 34-14A-8, 34-14A-11, 41-22-1 *et seq.*

History: Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993; Amendment and Emergency Amend-

ment filed June 20, 1994; Emergency Amendment effective June 20, 1994; Amendment effective October 28, 1994. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed August 4, 2006; effective September 8, 2006.

465-X-2-.07 Applicability of the Act. The Act shall apply in all counties of the state and all residential home builders within the state shall be required to be licensed by the board annually.

(1) ~~The Act shall apply in all counties of the state and all residential home builders within the state shall be required to be licensed by the board annually.~~

Authors: David R. Boyd, Dorman Walker, Lois Woodward

Statutory Authority: Code of Ala. 1975, §§ 34-14A-6(7), 34-14A-11, 34-14A-16.

History: Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993. **Amended:** Filed August 4, 2006; effective September 8, 2006.

465-X-3-.02 Filing. License applications, annual license renewal applications, and all other applications ~~or submissions~~ required by these rules shall be deemed filed as of the date it is postmarked. All other submissions or documents required by these rules shall be deemed filed when received by the Executive Director. Completed Applications filed at least 30 days before the next regularly scheduled Board meeting shall be considered before or at the time of that meeting; consideration of completed applications filed less than 30 days before such meeting may be delayed until the time of the next subsequent meeting of the Board. The Executive Director may reject an application that is inaccurate, incomplete, not notarized, or for which all fees due have not been paid at the time the application is filed.

Authors: David R. Boyd, Dorman Walker, Lois Woodward

Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-7, 34-14A-11.

History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993.

Emergency Amendment: Emergency amendment filed May 31, 2011; Emergency amendment effective May 31, 2011.

465-X-3-.04 Licensing.

(1) **Form of License.** Licenses shall be issued only to individuals, partnerships, corporations, limited liability companies, and not-for-profit organizations:

(a) An individual applying for a license personally must satisfy all the licensure requirements.

~~(b)~~ A partnership, corporation, limited liability company, and not-for-profit organization applying for a license must satisfy all licensure requirements.

1. A general partnership, limited partnership, corporation, limited liability company, or not-for-profit organization applying for a license must designate as its qualifying representative an individual who is either a general partner (in the case of any partnership) or an officer (in the case of a corporation) or a member (in the case of a member-managed limited liability company) or a manager (in the case of a manager-managed limited liability company) and who either holds a license individually or meets the experience and ability requirements for licensure. The entity seeking the license may rely upon the designated qualifying representative's experience, ability, and successful completion of any examination (testing experience and ability, conducted either by the Board or a third party under contract with the Board), but must present evidence to the Board that it satisfies all other licensing requirements. The name of the partnership, corporation, or limited liability company, along with that of its designated qualifying representative, shall appear on the face of that entity's license.

2. If the designated qualifying representative of a partnership, corporation, or limited liability company ceases to be a partner or officer or member (in the case of a member-managed limited liability company) or manager (in the case of a manager-managed limited liability company) of that entity, the designated qualifying representative and the partnership, corporation, or limited liability company immediately shall so notify the Board. Unless another partner, officer, or member (in the case of a member-managed limited liability company) or manager (in the case of a manager-managed limited liability company) as the case may be, who either individually maintains a current and valid license or meets the experience and ability requirements for licensure is designated as that entity's new qualifying representative within 45 days after the previous designated qualifying representative ceases to hold that position, the license for that partnership, corporation, or limited liability company automatically shall be revoked.

(c) The extent to which a residential home builder may engage in the residential home building business depends upon the form type of license held:

1. A residential home builder who is not licensed individually may engage in the residential home building business only through a licensed partnership, corporation, or limited liability company, of which the builder is an employee, partner, officer, or member.

2. A residential home builder who is the designated qualifying representative of an entity may engage in the residential home building business only through that entity; if such builder wishes to engage in the residential home building business either individually or through another entity that is not otherwise licensed, that builder must obtain a license, either individually or on behalf of the other entity, of which the builder may be the designated qualifying representative. A residential home builder who is the qualifying representative of an entity shall be deemed to have satisfied the experience and ability requirements for licensure, but must satisfy all other licensing requirements, including without limitation, the financial responsibility requirements, before qualifying for a license either individually or on behalf of another entity.

3. A residential home builder licensed individually may engage in the residential home building business either individually or through a licensed entity of which the individual licensee is an employee, partner, officer, or member.

EXAMPLES:

(i) ABC Builders, Inc. has three officers, each of whom meets the experience and ability requirements for licensure. Adams is the qualifying representative of the corporation. Brown individually meets all the licensing requirements, including without limitation the financial responsibility requirement, and obtains an individual license. Carter is not licensed, either individually or as the qualifying representative of the corporation. Adams and Carter may engage in the residential home building only through ABC Builders, Inc., but Brown may do so either individually or through ABC Builders, Inc.

(ii) Five years after ABC Builders, Inc. was issued a license, Adams decides to engage in the residential home building business through a newly formed partnership, Adams Builders, of which he is a partner. Adams Builders applies for a license, naming Adams as its qualifying representative. Because he is the qualifying representative of ABC Builders, Inc., Adams is deemed to have satisfied the experience and ability requirements for licensure, but Adams Builders will have to satisfy all other requirements for licensure, including without limitation the financial responsibility requirement.

(iii) Five years after ABC Builders, Inc., was issued a license, Carter decides to engage individually in the residential home building business. Because Carter is neither the qualifying representative of ABC Builders, Inc. nor licensed individually, Carter will have to satisfy all of the requirements for licensure, including the experience and ability requirements, which means successful completion of any examination testing experience and ability, conducted either by the Board or a third party under contract with the Board.

(2) Type of License.

(a) Licenses may be issued with or without limitation.

(b) The extent to which a residential home builder may engage in the residential homebuilding business depends upon the type of license held:

1. A residential home builder who holds a current and valid residential home builders license **without limitation** may engage in the business of residential home building, as referred to in Ala. Code § 34-14A-2(10), regardless of the scope of the construction.

2. A residential home builder who holds a current and valid residential home builders license **with limitation** may only engage in the business of residential home building, as referred to in Ala. Code § 34-14A-2(10), when the scope of the construction is limited to the repair, improvement, or reimprovement, as such term is defined herein, of a residence or structure.

EXAMPLES:

(i) Builder holds a current and valid residential home builder's license **without limitation**. Builder may contract directly with Homeowner to perform any residential construction activity including new residential construction, and repair, improvement or reimprovement to an existing residence.

(ii) Builder holds a current and valid residential home builder's license **without limitation**. Builder contracts directly with Homeowner to construct a new residence. The cost of the undertaking is \$250,000. Builder hires Framer to frame the new construction and pays him \$30,000. Framer is **not required to hold a license** issued by the Board because he did not contract directly with the homeowner to perform the construction activity, but instead is working directly for a residential home builder who holds a license without limitation and who contracted directly with the homeowner.

(iii) Framer enters into a contract directly with Homeowner to frame an addition to an existing residence. The cost of the undertaking is \$30,000. Though only one trade is being performed (framing), Framer must hold a current and valid residential home builder's license **without limitation** because the cost of the undertaking exceeds \$10,000 and the construction activity affects the structural integrity of the residence.

(iv) Foundation contractor enters into a contract directly with Homeowner to construction a foundation for a residence. The cost of the undertaking is \$15,000. Though only one trade is being performed (foundation construction), Foundation contractor must hold a current and valid residential home builder's license **without limitation** because the cost of the undertaking exceeds \$10,000 and the construction activity affects the structural integrity of the residence.

(v) Best Siding, LLC, enters into a contract directly with Homeowner to install vinyl siding on Homeowner's residence. The cost of the undertaking is \$20,000. Best Siding, LLC, must hold a residential home builder's license because the cost of the undertaking exceeds \$10,000; however, because the construction activity involves only one trade (siding installation) and it does not affect the structural integrity of the existing residence, Best Siding, LLC, may hold a residential home builders license **with limitation**.

(vi) Roofer enters into a contract directly with Homeowner to replace roofing shingles and to install siding. The cost of the undertaking is \$20,000. Roofer must hold a residential home builder's license **without limitation** because the cost of the undertaking exceeds \$10,000

and the construction activity involves more than one trade (roofing and siding installation).

(vii) Roofer enters into a contract directly with Homeowner to install a new roof, including replacing only existing damaged decking and damaged fascia. The cost of the undertaking is \$20,000. Roofer must hold a residential home builder's license because the cost of the undertaking exceeds \$10,000; however, because the construction activity involves only one trade (roof installation, including replacing damaged decking and fascia) and it does not affect the structural integrity of the residence, Roofer may hold a residential home builders license **with limitation**.

(viii) Builder enters into a contract directly with Homeowner to make repairs to a residence, including painting and replacement of sheetrock. The cost of the undertaking is \$8,500. Though the construction activity involves more than one trade (painting, and sheetrock replacement), Builder is **not required to hold a license** issued by the Board because the cost of the undertaking does not exceed \$10,000. If the cost of the undertaking had exceeded \$10,000, Builder would be required to hold a residential home builder's license **without limitation** because more than one trade is involved.

(2)(3) **Requirements for License Without Limitation.** In order to receive a license **without limitation (unlimited license)**, a residential home builder must successfully complete the following actions:

(a) File an accurate, complete, timely, and notarized application for license with the Board;

(b) Pay the application fee, the Homeowners' Recovery Fund fee and any other fee required by these rules;

(c) Demonstrate proof of financial responsibility by submitting to the Board, at the applicant's expense:

1. A credit report with business-related credit and financial information in a form satisfactory to the Board (provided directly from a credit reporting agency).

(i) The credit report shall include the business-related credit accounts information of the individual or entity to be licensed and a public records search of the individual or entity to be licensed.

(ii) In addition, a partnership's credit report shall include a public records search on the partnership and also on each partner. A partnership over a year old has the option of submitting the business-related credit accounts information on the partnership or on each partner individually.

(iii) In addition, a partnership, corporation, limited liability company, or other legal entity less than one year old may be required to provide business-related credit accounts information on the partners, corporate officers, or members individually where the partnership, corporation, or limited liability company does not have a credit history sufficient to reasonably

satisfy the Board of the applicant's financial responsibility.

(iv) An applicant whose application is pending for more than 90 days (owing to a defect in the application for which the applicant is responsible) may be required to file an updated credit report (provided directly from a credit reporting agency).

2. An applicant must not have any outstanding business-related collection account(s), ~~charged-off account(s)~~, or foreclosure account(s), except that

(i) An applicant may have a business-related collection account(s), ~~charged-off account(s)~~, or foreclosure account(s) if the amount(s) of the business-related collection account(s), ~~charged-off account(s)~~, or foreclosure account(s) does not exceed \$500 in the aggregate. (Example: (A) one \$500 business-related collection account, ~~charged-off account~~, or foreclosure account and no other business-related collection account, ~~charged-off account~~, or foreclosure account, or (B) one \$250 business-related collection account, one \$150 ~~charged-off business-related collection~~ account, and one \$100 foreclosure account.)

(ii) An applicant with a business-related collection account(s), ~~charged-off account(s)~~, or foreclosure account(s), which exceeds \$500 in the aggregate must provide documentation to show that the collection account(s), ~~charged-off account(s)~~, or foreclosure account(s) has been paid, or must show to the Board's reasonable satisfaction that arrangements have been made to pay the account(s), including but not limited to evidence of a payment plan and history of payment, or provide the Board with a written explanation of the circumstances surrounding the business-related collection account(s), ~~charged-off account(s)~~, or foreclosure account(s) sufficient to reasonably satisfy the Board of the applicant's financial responsibility.

3. (H) An applicant must not have any outstanding judgments, judgment liens, or any perfected liens, except that

(H)(i) An applicant may have an outstanding judgment(s), judgment lien(s), or any perfected lien(s) under dispute in court, with the taxing authority, or on appeal, if the amount(s) of judgment(s), judgment lien(s), or any perfected lien(s) (under dispute in court, with the taxing authority, or on appeal) does not exceed the amount of \$1,000 in the aggregate. (Example: (A) one \$1,000 outstanding judgment, judgment lien, or any perfected lien under dispute in court, with the taxing authority, or on appeal and no other outstanding judgment(s), judgment lien(s), or any perfected lien(s) under dispute in court, with the taxing authority, or on appeal or (B) one \$650 outstanding judgment, judgment lien, or any perfected lien under dispute in court, with the taxing authority, or on appeal and one \$350 outstanding judgment, judgment lien, or any perfected lien under dispute in court, with the taxing authority, or on appeal.)

(H)(ii) An applicant may have an outstanding judgment(s), judgment lien(s), or any perfected lien(s) if the amount(s) of the judgment(s), judgment lien(s), or any perfected lien(s) does not exceed \$500.00 in the aggregate. (Example: (A) one \$500 outstanding judgment, judgment lien, or any perfected lien and no other outstanding judgment(s), judgment lien(s), or any perfected lien(s) or (B) one \$350 outstanding judgment, judgment lien or any perfected lien and one \$150 outstanding judgment, judgment lien, or any perfected lien.)

~~(ii)~~(iii) Business-related judgments, judgment liens, and any perfected liens include any judgment, judgment lien or any perfected lien that may attach to real estate that an applicant takes in his/her/its name and sells, deeds, or otherwise transfers to a consumer and adversely affects the consumer's title. A certified copy of the satisfaction and release from the appropriate court(s) is sufficient evidence of satisfaction and release.

4. Disclosure of Social Security Number. All licensure applications, including new and renewal licensure applications, have a space for the disclosure of an individual's social security number.

(i) The disclosure of an individual's social security number under the Alabama Child Support Act of 1997, Act 97-447, § 30-3-194 (1997 Cum. Supp.) is **MANDATORY**. The Board requires the disclosure of the social security number to be used for the purposes under said act described therein.

(ii) The disclosure of an individual's social security number for the purpose of obtaining business-related financial and credit information and public records search is **VOLUNTARY**. The Board requests the disclosure of the social security number, pursuant to Code of Ala. 1975, § 34-14A-7(a)(4), to obtain business-related financial and credit information and a public records search in order to examine an applicant's business-related financial condition. The Board may provide, or the individual may provide, the social security numbers to the credit reporting agency for the purpose of obtaining this information. An individual who does not wish to disclose his or her social security number may provide the business-related financial and credit information and public records search in an alternate format. The alternate format shall be: provide five (5) notarized business-related credit letters from financial institutions, building suppliers, or other creditors outlining specific payment history, and a certified public records search.

5. An applicant must provide a written explanation of any pending lawsuits sufficient to reasonably satisfy the Board of the applicant's financial responsibility.

(d) Satisfy the Board that the applicant possesses such experience and ability as to be entitled to a license as a residential home builder by successfully completing the examination (testing experience and ability, conducted either by the Board or a third party under contract with the Board) required by the Board;

(e) Satisfy the Board that the applicant possesses such good character and willingness to serve the public and conserve the public health and safety as to be entitled to a license as a residential home builder; and

(f) File any additional pertinent information required by the Board on a case-by-case basis to determine whether the applicant is qualified to receive a license.

(g) If the applicant is a corporation, satisfy the Board that the applicant is in good standing with the Alabama Department of Revenue and is either duly organized in the State of

Alabama or qualified as a foreign corporation to do business in Alabama.

(h) If the applicant is a limited partnership or limited liability company, satisfy the Board that the applicant is either duly organized in the State of Alabama or qualified as a foreign limited partnership or limited liability company to do business in Alabama.

(4) Requirements for License With Limitation. In order to receive a license **with limitation (limited license)**, a residential home builder must successfully complete the requirements for licensure as required under Rule § 465-X-3-.04(3) with the exception of subsection (d), and must satisfy the experience and ability requirements as set forth herein.

(a) Any person acting as a residential home builder within the State of Alabama applying for a license **with limitation (limited license)** shall be deemed to have satisfied the experience and ability requirements for licensure if such person submits an application to the Board establishing any one (1) of the following:

1. That the applicant has performed a single trade, non-structural construction activity on at least one (1) residence in this state within the year prior to May 31, 2011 ~~the date the application is submitted~~ and that the contract price for the work exceeded \$10,000, **or**

2. That the applicant has performed a single trade, non-structural construction activity on at least five (5) residences in this state within the (5) years prior to May 31, 2011, ~~the date the application is submitted~~, each for a contract price exceeding \$10,000; **or**

3. That the applicant currently is licensed as a residential home builder by a jurisdiction in this state which requires an examination (testing experience and ability) for such licensure; **or**

4. That the applicant currently is licensed as a residential contractor by a jurisdiction in this state and the applicant's residential contracting business generated gross revenues of \$50,000 or more in the previous calendar year; **or**

5. That the applicant possesses sufficient building qualifications and experience to receive a license, as demonstrated by satisfactory evidence presented to the Board. Proof that an applicant currently holds or held on or before one (1) year prior to May 31, 2011, ~~from the date the application is received by the Board~~, a business or occupational license, issued by a governmental instrumentality of this state, as a contractor, shall provide sufficient evidence of the applicant's building qualifications and experience.

(b) For purposes of determining whether an applicant satisfies the experience and ability requirements for a license under § 465-X-3-.04(4) of these rules, an applicant will be deemed to have performed a single trade, non-structural construction activity on a residence in this state only if:

1. The name or the trade name of the applicant (if the applicant is an individual), or the name of the applicant's qualifying representative (if the applicant is a corporation,

partnership, limited liability company, or not-for-profit organization), appears on the building permit issued in conjunction with the single trade, non-structural construction activity referenced in § 465-X-3-.04(4)(a)1 of these rules; and

2. The applicant's qualifying representative (if the applicant is a corporation, partnership, limited liability company, or not-for-profit organization) is, or at all relevant times was, an officer of the corporation, a partner of the partnership, or a member or manager of the limited liability company, that performed the single trade, non-structural construction activity; or

3. The applicant submits to the Board a sworn statement signed by the owner of the residence attesting to the fact that the applicant was in fact responsible for the single trade, non-structural construction activity performed on the residence and that the cost of the construction exceeded \$10,000.

~~(3)~~(5) **Grandfathering Provisions.**

(a) Applicants who were initially grandfathered from examination (testing experience and ability, conducted either by the Board or a third party under contract with the Board) on or before June 16, 1994 and who met the requirements under previous Code of Ala. 1975, § 34-14A-5, and who apply for a new license in a different legal capacity less than three (3) years from the date of expiration of the former license, the Board shall rely on the building qualifications met under § 34-14A-5 as sufficient evidence of applicant's experience and ability requirements for licensure; provided there are no pending disciplinary problems with the applicant.

~~(4)~~(6) **Applicants in counties having a population of fewer than 30,000 residents.**

(a) The county commission of any county having a population of fewer than 30,000 according to the most recent decennial census may irrevocably elect to make the Act applicable to the county (hereinafter "Electing County"). Upon such election, the Electing County shall notify the Executive Director of the Board, in writing, of the election by providing a copy of the minutes of the county commission meeting which reflects the action of the county commission making applicable the Act.

(b) Any person residing in or acting as a residential home builder in an Electing County must successfully complete the requirements for licensure as required under Rule §§ 465-X-3-.04(2)(3)(a), (b), (c), (e), (f), (g) and (h) and satisfy the experience and ability requirements required herein.

(c) Any person residing within an Electing County shall be deemed to have satisfied the experience and ability requirements for licensure if such person submits an application to the Board, within one (1) year from the date the county commission of the Electing County notifies the Board of the action of the county commission making applicable the Act, that establishes any one (1) of the following:

1. That the applicant has constructed at least one (1) residence within the year prior

to the date the county commission notifies the Board that it has irrevocably elected to make the Act applicable to the Electing County or at least five (5) residences within the previous five (5) years; **or**

2. That the applicant has remodeled at least one (1) residence within the year prior to the date the county commission notifies the Board that it has irrevocably elected to make the Act applicable to the Electing County, or at least five (5) residences within the previous five (5) years, each for a contract price of at least \$10,000; **or**

3. That the applicant currently is licensed as a residential home builder by a jurisdiction in this state which requires an examination (testing experience and ability) for such licensure; **or**

4. That the applicant is currently licensed as a residential remodeler by a jurisdiction in this state and that the applicant's remodeling business generated gross revenues of \$250,000 or more in the previous calendar year; **or**

5. That the applicant possesses sufficient building qualifications and experience to receive a license, as demonstrated by satisfactory evidence presented to the Board. Proof that an applicant currently holds or held on or before one (1) year from the date the county commission notifies the Board that it has irrevocably elected to make the Act applicable to the Electing County, a business or occupational license as a residential home builder in the Electing County shall provide sufficient evidence of the applicant's building qualifications and experience.

(d) Any person residing within an Electing County shall provide proof of residency in said Electing County by submitting to the Board at the time application is made:

1. documentation from the Board of Registrars of the Electing County which reflects that the applicant is a registered voter of the Electing County; **or**

2. a valid Alabama Drivers License, which reflects that the applicant is a resident of the Electing County; **or**

3. documentation which reflects that the applicant owns property in the Electing County which has been assessed for ad valorem tax in the Electing County; **or**

4. documentation which reflects that the applicant receives U.S. mail at a street, county road, or highway address within the Electing County; **or**

5. such other evidence of residency as may be accepted by the Board.

(e) Any person who does not reside within an Electing County, but who is acting as a residential homebuilder within an Electing County shall be deemed to have satisfied the experience and ability requirements for licensure if such person submits an application to the Board, within one (1) year from the date the county commission of the Electing County notifies

the Board of the action of the county commission making applicable the Act, that establishes any ONE (1) of the following:

1. That the applicant has constructed at least one (1) residence within the Electing County, within the year prior to the date the county commission notifies the Board that it has irrevocably elected to make the Act applicable to the Electing County, or at least five (5) residences within the Electing County within the previous five (5) years; **or**
2. That the applicant has remodeled at least one (1) residence within the Electing County, within the year prior to the date the county commission notifies the Board that it has irrevocably elected to make the Act applicable to the Electing County, or at least five (5) residences within the Electing County within the previous five (5) years, each for a contract price of at least \$10,000; **or**
3. That the applicant currently is licensed as a residential home builder by a jurisdiction in this state which requires an examination (testing experience and ability) for such licensure; **or**
4. That the applicant is currently licensed as a residential remodeler by a jurisdiction in this state and that the applicant's remodeling business generated gross revenues of \$250,000 or more in the previous calendar year; **or**
5. That the applicant possesses sufficient building qualifications and experience to receive a license, as demonstrated by satisfactory evidence presented to the Board. Proof that an applicant currently holds or held, on or before one (1) year from the date the county commission notifies the Board that it has irrevocably elected to make the Act applicable to the Electing County, a business or occupational license as a residential home builder in the Electing County shall provide sufficient evidence of the applicant's building qualifications and experience.

(f) For purposes of determining whether an applicant satisfies the experience and ability requirements for a license under this Section 465-X-3-.04(4)(6) of these Rules, an applicant will be deemed to have constructed or remodeled a residence only if:

1. The name or the trade name of the applicant or its qualifying representative appears on the building permit issued in conjunction with the construction or remodeling; **or**
2. The applicant or its qualifying representative is or, at all relevant times, was an officer of the corporation or a general partner of the partnership that constructed or remodeled a residence; **or**
3. The applicant submits to the Board a sworn statement signed by the owner of the residence attesting to the fact that the applicant was in fact responsible for the construction or remodeling of the residence.

(g) Any building inspector within an Electing County shall be deemed to have satisfied the building qualifications and experience requirements under Section 5(b) of the Act by submitting an application to the Board within one (1) year from the date the county

commission of the Electing County notifies the Board of the action of the county commission making applicable the Act that establishes the following:

1. That the building inspector is an employee of the United States, the state of Alabama, or any municipality, county or other political subdivision thereof and, by virtue of that employment, is exempted or prohibited by law from holding a license; and

2. That the building inspector either:

(i) maintains current certification from the Southern Building Code Congress International as ONE of the following:

(I) chief building official; **or**

(II) deputy building official; **or**

(III) chief building inspector; **or**

(IV) building inspector; **or**

(V) housing inspector; **or**

(VI) design professional; **or**

(VII) plan reviewer.

or

(ii) maintains current certification from the International Code Council as ONE of the following:

(I) certified building official; **or**

(II) building inspector; **or**

(III) residential building inspector; **or**

(IV) property maintenance and housing inspector; **or**

(V) building plans examiner; **or**

(VI) design professional.

or

(iii) possesses sufficient building qualifications and experience to receive a license, as demonstrated by satisfactory evidence presented to the Board.

~~(5)~~(7) **Applicants in Washington County.**

(a) Any person residing in or acting as a residential home builder in Washington County on or before May 1, 2006, shall be deemed to have satisfied the experience and ability requirements for licensure if such person submits an application to the Board by March 1, 2007, and successfully completes the requirements for licensure and satisfies the experience and ability requirements as required for applicants residing in counties having a population of fewer than 30,000 residents as set forth in Rule § 465-X-3-.04~~(4)~~(6)(b), (c), (d), (e), (f), and (g).

~~(6)~~(8) **Out of State License Holders.** Any applicant holding a valid license as a residential home builder issued by a jurisdiction outside the state of Alabama shall be deemed to have satisfied the experience and ability requirements for licensure only upon a determination by the Board that:

(a) the licensing requirements of the other jurisdiction are substantially similar to those of Alabama; and

(b) the other jurisdiction exempts Alabama licensees from any examination (testing experience and ability) requirements imposed on residential home builders in that jurisdiction.

~~(7)~~(9) **Inactive Licenses.**

(a) Any licensee who desires to receive an inactive license shall make and file with the Board an accurate, complete, notarized, written application for an inactive license on a form prescribed by the Board prior to the expiration of the current license. The application shall be accompanied by the payment of the annual inactive license fee required by the Board and any other fees required by these rules. After the Board accepts the application, the application may be reviewed by the Board at the next scheduled Board meeting.

(b) Any building official or building inspector who desires to receive an inactive license shall make and file with the Board 30 days prior to the next meeting of the Board an accurate, complete, notarized, written application for an inactive license on a form prescribed by the Board. After the Board accepts the application, the applicant may be examined by the Board at its next Board meeting as set out in Code of Ala. 1975, § 34-14A-7(d)(2). Maintaining ICC certification as a certified building official, building inspector, residential building inspector, property maintenance and housing inspector, or building plans examiner, or maintaining a license/certification as a design professional, shall be considered to be sufficient proof of building qualifications, experience and ability to receive an inactive license.

(c) No act for which a license is required may be performed under an inactive license. In the event a person holding a current inactive license applies for a license, he or she may rely upon his or her inactive license as evidence of the experience and ability requirements for licensure under subdivisions (1) and (2) of subsection (a) of Code of Ala. 1975, § 34-14A-7 and subparagraph (d) of paragraph (2) of this regulation.

(8)(10) Applicants Holding Expired Licenses Less Than Three Years Old.

(i)(a) Any licensee who desires to reactivate an expired license less than three years old shall make and file with the Board 30 days prior to the next meeting of the Board an accurate and complete written application on a form prescribed by the Board to reactivate the expired license. The application shall be accompanied by the application fee, the Homeowners' Recovery Fund fee, and any other fees required by these rules. After the Board accepts the application, the applicant may be reviewed by the Board at the next scheduled Board meeting. An applicant holding an expired license who files such an application within three years from the date of expiration of the license shall be deemed to have satisfied the experience and ability requirements for licensure provided there are no pending disciplinary problems with the applicant and all other licensing requirements have been met.

(ii)(b) For an individual applicant to be considered an applicant holding an expired license, the applicant must hold an expired license in his individual capacity. For a partnership, corporation, or limited liability company applicant to be considered an applicant holding an expired license, the applicant must hold an expired partnership, corporation, or limited liability license with the same designated qualifying representative as the applicant applying for reactivation.

(iii)(c) In addition, applicants who have been denied a license, or whose license has been revoked or suspended, or who have pending disciplinary problems, are not considered applicants holding an expired license.

(9)(11) Applicants Holding a Denied License Less Than Three Years Old.

(a) Any applicant whose license has been denied and who desires to receive a new license shall make and file with the Board 30 days prior to the next meeting of the Board an accurate, complete, notarized written application on a form prescribed by the Board with the Executive Director and satisfy the criteria set forth in § 465-X-3-.04(2)(3)(b), (c), (e), (f), (g) and (h) as applicable, or § 465-X-3-.04(4) as applicable. The application shall be accompanied by the application fee, the recovery fund fee, and any other fees required by these rules. After the Board accepts the application, the applicant may be reviewed by the Board at the next scheduled Board meeting. An applicant whose license has been denied and who files such an application and is issued a new license within three years from the year of denial of the previous license shall be deemed to have satisfied the experience and ability requirements for licensure.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Anna C. Northington, Beth Acker, Kathy Perry Brasfield.

Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-6, 34-14A-7, 34-14A-11.

History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993.

Amended: Filed February 11 1994; effective March 18, 1994. **Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. **Amended:** Filed April 2, 1997; effective May 7, 1997. Amendment and Emergency Amendment filed

October 1, 1997; Emergency Amendment effective October 1, 1997. Amendment and Emergency Amendment filed October 27, 1997; Emergency Amendment effective October 27, 1997. Amendment and Emergency Amendment filed October 27, 1997; Emergency Amendment effective October 27, 1997. Amendment filed November 12, 1997. **Amended:** Filed January 30, 1998; effective March 4, 1998. **Amended:** Filed September 4, 1998; effective October 9, 1998. **Amended:** Filed June 4, 1999; effective July 9, 1999. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed April 2, 2004; effective May 7, 2004. **Amended:** Filed June 4, 2004; effective July 10, 2004. **Amended:** Filed November 4, 2004; effective December 9, 2004. **Amended:** Filed December 9, 2004; effective January 13, 2005. **Amended:** Filed February 7, 2005; effective March 14, 2005. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed October 6, 2008; effective November 10, 2008. **Amended:** Filed August 11, 2010; effective September 15, 2010. **Emergency Amendment:** Emergency amendment filed May 31, 2011; Emergency amendment effective May 31, 2011;

Annual License Renewal, Consequence Of Failure To Renew.

(1) A license is valid only during the calendar year indicated on the license. At the end of that calendar year, the license expires unless it is timely renewed by the licensee.

(2) To renew a license **without limitation**, the licensee must timely file a complete and accurate annual license renewal application with the Executive Director, and satisfy the criteria set forth in § 465-X-3-.04(2)(3)(b), (c), (e), (f), (g), and (h), as applicable. To renew a license with limitation, the licensee must timely file a complete and accurate annual license renewal application with the Executive Director, and satisfy the criteria set forth in § 465-X-3-.04(4) as applicable. If a licensee changes its address or telephone number during the license year, the licensee promptly must notify the Board of the new address and new telephone number. Annual license renewal applications must be filed by November 30 of the year preceding the year for which the license is to be renewed. Any renewal applications postmarked on December 1 or thereafter will be considered late.

(3) To renew an inactive license, the inactive licensee must timely file a complete and accurate annual inactive license renewal application with the Executive Director, and satisfy the criteria set forth in § 465-X-3-.04(7)(9)(a), (b), and (c), as applicable. If an inactive licensee changes its address or telephone number during the license year the inactive licensee promptly must notify the Board of the new address and new telephone number. Annual inactive license renewal applications must be filed by November 30 of the year preceding the year for which the inactive license is to be renewed. Any inactive renewal applications postmarked on December 1 or thereafter will be considered late.

(4) A license holder who fails to file the annual license renewal application, or the annual inactive license renewal application, by December 31 of the calendar year for which the license was issued shall no longer be licensed as a residential home builder, after December 31 of the calendar year for which the license was issued.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Anna C. Northington, Beth Acker, Kathy Perry Brasfield

Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-7.

History: Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993.

Emergency Amendment: Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. **Amended:** Filed April 2, 1997; effective May 7, 1997.

Amendment and Emergency Amendment filed October 1, 1997; Emergency Amendment effective October 1, 1997. **Amended:** Filed January 28, 1998; effective March 4, 1998.

Amended: Filed August 4, 1998; effective September 8, 1998. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed May 6, 2002; effective June 10, 2002.

Amended: Filed June 4, 2004; effective July 10, 2004. **Amended:** Filed November 4, 2004; effective December 9, 2004. **Emergency Amendment:** Filed May 31, 2011; Emergency Amendment effective May 31, 2011.

465-X-3-11 Continuing Qualification. An individual residential home builder or building inspector shall be deemed to have satisfied the experience and ability requirements for licensure if such builder

- (1) satisfied the requirements of § 465-X-3-.04~~(3)~~(5) of these Rules, and
- (2) since June 16, 1994, continuously has been licensed as a residential home builder or has served as a qualifying representative of a licensed residential home builder, or any combination thereof.

If such an individual later chooses to apply for another license, that individual may rely upon ~~this~~ continuing status as either a licensee or qualifying representative to evidence satisfaction of the experience and ability requirements for licensure, but also must comply with all other licensure requirements.

EXAMPLES:

- (i) Davis applied for and received an individual license as a residential home builder by June 16, 1994, and maintained that license through December 1996. In November 1996, Davis Builders, Inc., a corporation of which Davis is an officer, applies for a license, designating Davis as its qualifying representative. Davis Builders, Inc., may rely on Davis' continuing status as a licensee to fulfill the experience and ability requirements for licensure. Davis Builders, Inc., however, will have to satisfy all other requirements for licensure, including, without limitations, the financial responsibility requirement.
- (ii) Alabama Builders, Inc., applied for and received a license by June 16, 1994, and maintained that license until December 31, 1996. Throughout that period, Johnson served as the corporation's qualifying representative. In November 1996, Johnson applies for an individual license. Johnson may rely on his or her continuing status as the corporation's qualifying representative to fulfill the experience and ability requirements for licensure. Johnson, however, will have to satisfy all other requirements for licensure, including, without limitations, the financial responsibility requirement.
- (iii) Acme Building Company, a partnership, applied for and received a license by June 16, 1994, and maintained that license until December 31, 1995. Throughout that period, Smith served as the partnership's qualifying representative. In November 1995, Smith applied for and received an individual license, relying on service as the partnership's qualifying representative to satisfy the experience and ability requirements for licensure. In November 1996, Superior Builders, Inc., a corporation of which Smith is an officer, applied for a license. Superior Builders, Inc. may rely on Smith's continuing status as a qualifying representative and then a licensee to fulfill the experience and ability requirements for licensure. Superior Builders, Inc., however, will have to satisfy all other requirements for licensure, including without limitation, the financial responsibility requirement.
- (iv) William applied for and received an individual license by June 16, 1994. In December 1994, he began work as an employee of Quality Builders, Inc., and continued working

for that company until September 1996. During his employment by Quality Builders, Inc., William neither maintained an individual license nor served as the company's qualified representative. In October 1996, William applied for an individual license. Because William did not maintain an individual license or serve as a qualifying representative for a licensee during the period from January 1995 to October 1996, William will not be deemed to have satisfied the experience and ability requirements for licensure and will be required to be examined.

Authors: David R. Boyd, Lois Woodward

Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-7, 34-14A-11.

History: Emergency Rule: Filed June 20, 1994. **New Rule:** Filed September 23, 1994; effective October 28, 1994.

465-X-3-.12 Continuing Qualification for Applicants in Counties Having Populations of Less Than 30,000.

(1) An individual residential home builder or building inspector residing in or acting as a residential home builder in a county having a population of less than 30,000, the county commission of which has irrevocably elected to make applicable the Act, shall be deemed to have satisfied the experience and ability requirements for licensure if such builder or building inspector

- (a) satisfied the requirements of § 465-X-3-.04(4)(6) of these Rules, and
- (b) since one year from the date the county commission of the Electing County notified the Board of the action of the county commission making applicable the Act, continuously has been licensed as a residential home builder or has served as a qualifying representative of a licensed residential home builder, or any combination thereof.

(2) If such an individual later chooses to apply for another license, that individual may rely upon this continuing status as either a licensee or qualifying representative to evidence satisfaction of the experience and ability requirements for licensure, but also must comply with all other licensure requirements.

EXAMPLES:

(i) Adams resides in a county with a population of fewer than 30,000 residents. On August 1, 1999, the county commission of said county irrevocably elected to make the Act applicable to the county and properly notified the Board of the election on August 5, 1999. Adams, a resident of said county, applied for and received an individual license as a residential home builder on January 1, 2000, and maintained that license through December 2000. In November 2000 Adams Builders, Inc., a corporation of which Adams is an officer, applies for a license, designating Adams as its qualifying representative. Adams Builders, Inc. may rely on Adams continuing status as a licensee to fulfill the experience and ability requirements for licensure. Adams Builders, Inc., however, will have to satisfy all other requirements for licensure, including, without limitations, the financial responsibility requirement.

(ii) Baker Builders, Inc. conducts business in a county with a population of fewer than 30,000 residents. On August 1, 1999, the county commission of said county irrevocably elected to make the Act applicable to the county and properly notified the Board of the election on August 5, 1999. Baker Builders, Inc. applied for and received a license on October 1, 1999, within one (1) year from the date the county commission notified the Executive Director, in writing, of the election making applicable the Act. Baker Builders, Inc. maintained the license until December 31, 2000. Throughout that period, Smith served as the designated qualifying representative. In November 2000, Smith applies for an individual license. Smith may rely on his or her continuing status as the qualifying representative of Baker Builders, Inc., to fulfill the experience and ability requirements for licensure. Smith, however, will have to satisfy all other requirements for licensure, including, without limitations, the financial responsibility requirement.

(iii) Ace Building Company, a partnership, conducts business in a county having a population of fewer than 30,000 residents. On August 1, 1999, the county commission of said county irrevocably elected to make the Act applicable to the county and properly notified the Board of the election on August 5, 1999. Ace Building Company, a partnership, applied for and received a license on or before August 5, 2000, and maintained that license until December 31, 2001. Throughout that period, Jones served as the partnership's designated qualifying representative. In November 2001, Jones applied for and received an individual license, relying on service as the partnership's qualifying representative to satisfy the experience and ability requirements for licensure. In November 2002, Superior Builders, Inc., a corporation of which Jones is an officer, applied for a license. Superior Builders, Inc. may rely on Jones' continuing status as a qualifying representative and then a licensee to fulfill the experience and ability requirements for licensure. Superior Builders, Inc., however, will have to satisfy all other requirements for licensure, including without limitation, the financial responsibility requirement.

(iv) Bill resides in a county having a population of fewer than 30,000 residents. On August 1, 1999, the county commission of said county irrevocably elected to make the Act applicable to the county and properly notified the Board of the election on August 5, 1999. Bill applied for and received an individual license by August 1, 2000. In December 2000, he began work as an employee of Best Builders, Inc., a licensed entity, and continued working for Best Builders, Inc. until September 2003. During his employment by Best Builders, Inc., Bill neither maintained an individual license nor served as the company's qualifying representative. In October 2005, Bill applied for an individual license. Because Bill did not maintain an individual license or serve as the qualifying representative for a licensee during the period from January 2001, to October 2005, Bill will not be deemed to have satisfied the experience and ability requirements for licensure and will be required to sit for and pass the written examination testing experience and ability and meet all other requirements for licensure.

Authors: Kathy Perry Brasfield

Statutory Authority: Code of Ala. 1975, § 34-14A-5.

History: Original Rule Filed: June 4, 1999; effective July 9, 1999. **Amended:** Filed August 4, 2006; effective September 8, 2006.

465-X-3-.13 Continuing Qualification for Applicants in Washington County.

(1) An individual residential home builder or building inspector residing in or acting as a residential home builder in Washington County, shall be deemed to have satisfied the experience and ability requirements for licensure if such builder or building inspector

(a) satisfied the requirements of § 465-X-3-.04(4)(7) of these Rules, and

(b) since March 1, 2007, continuously has been licensed as a residential home builder or has served as a qualifying representative of a licensed residential home builder, or any combination thereof.

(2) If such an individual later chooses to apply for another license, that individual may rely upon this continuing status as either a licensee or qualifying representative to evidence satisfaction of the experience and ability requirements for licensure, but also must comply with all other licensure requirements.

Authors: Kathy Perry Brasfield

Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-6.

History: Original Rule Filed: August 4, 2006; effective September 8, 2006.

465-X-3-.14 Continuing Qualification for Applicants Holding a License With Limitation.

(1) An individual residential home builder holding a license with limitation, shall be deemed to have satisfied the experience and ability requirements for licensure if such builder

(a) satisfied the requirements of § 465-X-3-.04(4) of these Rules, and

(b) since January 1, 2012, continuously has been licensed as a residential home builder or has served as a qualifying representative of a licensed residential home builder, or any combination thereof.

(2) If such an individual later chooses to apply for another license, that individual may rely upon this continuing status as either a licensee or qualifying representative to evidence satisfaction of the experience and ability requirements for licensure, but also must comply with all other licensure requirements.

Authors: Kathy Perry Brasfield

Statutory Authority: Code of Ala. 1975 § 34-14A-1, 34-14A-2, 34-14A-5, 34-14A-7, 34-14A-11;

History: New Rule filed as Emergency Rule May 31, 2011; Emergency Rule effective May 31, 2011;

465-X-4.04 Fees. Fees shall be as follows:

- (1) Annual License Fee. 190.00
This fee must accompany the initial application for a license and each annual license renewal application.
- (2) Annual Homeowners' Recovery Fund Fee. 15.00
This fee must accompany all license applications and license renewal applications.
- (3) Nonrefundable Application Processing Fee For New Applicants. 100.00
Beginning January 1, 2012, ~~T~~his fee, along with the \$205.00 annual license fee, must accompany all applications submitted by applicants for a new license.
- (4) Nonrefundable Application Processing Fee For Applicants Holding Expired Licenses Less Than Three Years Old. 295.00
This fee, along with the annual license fee of \$205.00, must accompany all applications submitted by applicants holding expired licenses less than three years old, who desire to reactivate the expired license.
- (5) Inactive Fees. 100.00
This fee must accompany an application for an inactive license and each renewal inactive license application. Building officials applying for or renewing an inactive license are exempted from this fee.
- (6) Record Fee. 15.00
This fee must accompany a request for an applicant's examination records.
- (7) Late Fee. 50.00
This fee must accompany all license renewal applications received on December 1, or thereafter, of the year preceding the year for which the license is to be renewed. Building officials filing a late application for an inactive license are exempted from this fee.
- (8) Bad Check Fee. 30.00
Pursuant to Code of Alabama 1975, § 8-8-15, this fee must accompany any check, or other negotiable instrument drawn on a bank or other depository institution and made payable to the Board, if the instrument is not paid or is dishonored by the institution.
- (9) Application Package Fee. 25.00
Pursuant to Code of Alabama 1975, § 41-22-4(3), this fee must accompany a request for an application package for a new license to be mailed. The application package includes a copy of Ala. Code § 34-14A-1 *et seq.*, administrative rules and necessary forms for licensure.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-7, 34-14A-11, 34-14A-15.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993.
Emergency Amendment: Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. Amendment and Emergency Amendment filed October 1, 1997. Emergency Amendment effective October 1, 1997. **Amended:** Filed January 28, 1998; effective March 4, 1998. Amended: Filed September 4, 1998; effective October 9, 1998. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed March 7, 2008; effective April 11, 2008.
Amended: Filed February 4, 2009; effective March 11, 2009. **Amended:** Filed June 17, 2010; effective July 23, 2010. **Amended:** Filed May 6, 2011; effective June 9, 2011. **Emergency Amendment:** Filed June 10, 2011; Emergency Amendment effective June 10, 2011.

465-X-5-.02 Initiation of Proceedings.

(1) The Board may initiate such action as it deems appropriate to investigate and determine compliance by residential home builders and licensees with the provisions of the Act and the rules of the Board.

(2) Unless the Board initiates proceedings on its own motion, it shall take action only upon receipt of a written, sworn consumer complaint filed by an original homeowner, stating in detail the activities complained of and that the party is alleged to have engaged in, and presenting the evidence of when, where and how a violation occurred.

(3) An original homeowner submitting a consumer complaint may be required to support it by personal appearance before the Board. If, upon request by the Board, such person refuses to support the consumer complaint by a personal appearance, the Board, in its discretion, may choose to discontinue its investigation of the consumer complaint or dismiss a pending disciplinary action proceeding.

(4) An original homeowner submitting a consumer complaint shall submit the consumer complaint within six years of substantial completion of the construction of the residence, or within six years of the date the original homeowner took possession of the residence. Consumer complaints not submitted within six years of substantial completion of construction of the residence, or within six years of the date the original homeowner took possession of the residence, shall not be investigated by the Board.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield

Statutory Authority: Code of Ala. 1975, §§ 34-14A-8, 34-14A-11

History: Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993; Amendment and Emergency Amendment filed June 20, 1994; Emergency Amendment effective June 20, 1994; Amendment effective October 28, 1994. **Amended:** Filed May 6, 2002; effective June 10, 2002.

465-X-5-.03 Complaint Procedure.

(1) In the event a consumer complaint is filed against a licensee, residential home builder, or any other person within the Board's jurisdiction, or the Board determines from other information that an investigation is necessary, the procedure for investigation or complaint shall be as follows:

(a) Upon undertaking an investigation of a licensee, the Board shall notify the licensee of the investigation and the specific charges being investigated.

(b) If the residential home builder is engaging in the business of residential home building, the Board shall provide written notice, in the form of a stop work order, as prescribed at Ala. Code § 34-14A-14 (1975). If the residential home builder has engaged in the business of residential home building, the Board may notify the residential home builder of the requirements for licensure and the administrative, civil and criminal liability for a violation of the Act.

(c) Each year the Board shall designate a member and two alternate members to serve on an investigative committee. This investigative committee shall consist of the designated Board member, or a designated alternate member, the Executive Director, and the Board's attorney and shall investigate the information or complaint to determine whether there is probable cause for disciplinary and/or enforcement proceedings. The Board member or the alternate member who participates on the investigative committee shall not participate in any disciplinary proceedings arising from the investigation.

(d) The investigative committee may enter into informal settlements with the licensee or residential home builder it is investigating, provided each such settlement is ratified by the Board.

(e) At the end of the investigation, the investigative committee shall make a recommendation to the Board as to whether probable cause exists that a violation of the Act has occurred, and for the Board to initiate disciplinary proceedings and/or to forward any necessary information to the appropriate governmental authorities. If the investigative committee determines following its investigation that no probable cause exists, the proceedings will terminate.

(2) In the event the investigative committee recommends that probable cause exists that a violation of the Act has occurred, the Board shall instruct its counsel to prepare a summons and complaint or notice and opportunity for hearing, or to forward information to the appropriate governmental authorities. The Board shall schedule a hearing to be held within three months from the filing of an administrative summons and complaint or notice and opportunity for hearing by the Board's Executive Director.

(3) The summons and complaint or notice and opportunity for hearing shall be mailed certified mail, return receipt requested, to the most recent address of the licensee on file with the Board at least 15 days prior to the scheduled date of the hearing. In the event the summons and complaint or notice and opportunity for hearing is refused or the return receipt has not been

received by the Board or its attorney at least ten days before the scheduled hearing, the licensee may be served by mailing a copy of same first-class mail at least seven days before the hearing date.

(4) The summons and complaint or notice and opportunity for hearing shall give notice in substantial compliance with the Alabama Administrative Procedure Act, Section 12(b).

(5) In the event the Board instructs its counsel to forward information to the appropriate governmental authorities, information concerning the essential facts constituting a violation and an allegation that a violation of the Act has been committed should be provided to a magistrate or official authorized by law to issue warrants of arrest.

(6) If the person complained of is a member of the Board, that member shall be notified and thereafter shall not participate in any matter related to the complaint.

(7) The Board, in its discretion, may invoke the complaint procedures set forth in this chapter of these rules against any unlicensed residential home builder.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield.

Statutory Authority: Code of Ala. 1975, §§ 34-14A-8, 34-14A-11, 41-22-1, *et seq.*

History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993.

Amendment and Emergency Amendment filed October 1, 1997. Emergency Amendment effective October 1, 1997. **Amended:** Filed January 28, 1998; effective March 4, 1998.

Amended: Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed Nov. 4, 2005; effective December 9, 2005.

Amended: Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed October 6, 2008; effective November 10, 2008.

465-X-5-.05 Prehearing Discovery.

(1) Prehearing discovery shall be permitted, at the discretion of the Chairman or the hearing officer, in order to prevent fraud, conserve the Board's time, prevent undue surprise at the hearing, or otherwise to provide fundamental fairness.

(2) The attorney for the Board or the respondent may, upon application to the Chairman or the hearing officer, obtain discovery regarding any matter not privileged that is relevant to the subject matter involved in the pending action, whether it relates to the charge of the Board or the defense of the respondent.

(3) Methods of discovery.

(a) Upon written application to the Chairman or the hearing officer, the following discovery may be allowed or ordered:

1. Deposition upon oral examination of any expert witnesses.

2. Interrogatories to respondent.

3. Order for production and copying of documents and things ~~and entry upon land for inspection and other purposes~~, against any person.

(b) The discovery must be had in accordance with any terms and conditions imposed by the Chairman or the hearing officer. The Chairman or the hearing officer may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression, or undue burden and expense.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield

Statutory Authority: Code of Ala. 1975, § 34-14A-11.

History: Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993. **Amended:** Filed November 2, 2001; effective December 7, 2001.

465-X-5-.07 Discipline.

(1) **Revocation and Suspension of License and Imposition of Administrative Fines.** The Board may revoke or suspend the respondent's license as a residential home builder in Alabama, may require the successful completion of builder education course(s), and may levy and collect administrative fines not to exceed \$2,000 per violation of the Act or these rules:

(a) upon a finding by the Board or a court of competent jurisdiction that respondent has committed fraud or deceit in obtaining a license or has been guilty of gross negligence, incompetence, or misconduct in the practice of residential home building, or has violated the standards of practice;

(b) upon the Board's payment of any amount out of the Homeowners' Recovery Fund on behalf of the respondent; in this instance, the Board shall revoke the respondent's license as a residential home builder in Alabama;

(c) upon a finding by the Board that, in the case of a partnership, corporate, or limited liability company licensee, the licensee's designated qualifying representative has ceased to be a general partner, officer, member (in the case of a member-managed limited liability company) or manager (in the case of a manager-managed limited liability company) of the licensee and no other general partner, officer, member (in the case of a member-managed limited liability company) or manager (in the case of a manager-managed limited liability company) has been designated to the Board as the licensee's successor qualifying representative within 45 days after the original designated qualifying representative ceased to serve in that capacity.

(d) upon a finding by the Board that a licensee has failed to notify the Board in writing, by certified mail, as required by the Act and these rules, of any of the following:

1. The institution of any criminal prosecution against him or her, including a copy of any indictment or information making the charges.

2. The institution of any civil action against him or her involving a residential home building transaction or the goodwill of an existing home building business or licensee, including a copy of the complaint.

3. In a criminal action, the rendering of any final verdict or the dismissal of any charges against him or her, including a copy of the court order or other document giving the licensee such notice.

4. In a civil action, the entering of a judgment or the dismissal of a complaint against him or her, including a copy of the court order or other document giving the licensee such notice.

(e) upon a finding by the Board that the licensee has failed to use a valid written contract when engaging in the business of residential home building.

(f) ~~upon a finding by the Board that the licensee has failed to comply with any~~

~~requirement of the Act or these rules, upon a finding by the Board that the licensee has engaged in the business of residential home building outside or beyond the scope of the license.~~

(g) upon a finding by the Board that the licensee has failed to comply with any requirement of the Act or these rules.

(2) **Stay of execution of order.** The Board may, in its discretion, permanently or temporarily stay the execution of its order to revoke or suspend the respondent's license; provided, however, the Board shall not stay the execution of its revocation order if the respondent has failed to repay any amount paid on the respondent's behalf out of the Homeowners' Recovery Fund. The stay may be conditioned on any provision the Board deems appropriate under all the circumstances of a particular case.

(3) **Considerations.** In determining whether a license should be revoked or suspended and whether execution of a revocation or suspension order should be stayed, and if so, under what conditions, the Board shall consider all the relevant factors, including, but not limited to, the following:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;
- (d) The length of time since the date of violation;
- (e) The number of complaints filed against the licensee;
- (f) The licensee's experience;
- (g) The actual damage, physical or otherwise, to the complainant;
- (h) The deterrent effect of the penalty imposed;
- (i) Any efforts at rehabilitation; and
- (j) Any other mitigating or aggravating circumstances.

(4) **Surrender of License.** Upon the Board's revocation or suspension of a license, the licensee promptly shall surrender to the Board the license card issued to the licensee.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield.

Statutory Authority: Code of Ala. 1975, §§ 34-14A-8, 34-14A-11, 34-14A-15.

History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993.

Emergency Amended: Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. Amendment and Emergency Amendment filed October 1, 1997. Emergency

Amendment effective October 1, 1997. **Amended:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed October 6, 2008; effective November 10, 2008. **Emergency Amendment:** Emergency amendment filed May 31, 2011; Emergency amendment effective May 31, 2011.

465-X-5-10 Reissuance or Reinstatement Of License After Revocation or Suspension.

(1) Application for Reissuance or Reinstatement. Any licensee whose license has been revoked or suspended may apply to the Board for reissuance or reinstatement of the license at any time; provided, however, the Board shall not consider an application for reissuance or reinstatement if the applicant has failed to repay any amount paid on the applicant's behalf out of the Homeowners' Recovery Fund. In the application for reissuance or reinstatement, the applicant shall state why the license should be reissued or reinstated and shall specifically set forth any change in circumstances that would justify the reissuance or reinstatement. The application for reissuance or reinstatement must include evidence that the applicant meets the current licensure requirements for, and, unless excused by the Board, the applicant must qualify for, licensure through all the procedures, as set forth in 465-X-3-.04(2)(3) of these rules. ~~including examination (testing experience and ability, conducted either by the Board or a third party under contract with the Board), for initial licensure.~~

(2) Board Action. Upon receipt of such application, the Board may grant the applicant a hearing on reissuance or reinstatement, at which time the applicant may appeal to the Board to reissue or reinstate the applicant's license. The Board shall reissue or reinstate the applicant's license if four or more members of the Board vote in favor of the reissuance or reinstatement.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§ 34-14A-8, 34-14A-11.

History: Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993; Amendment and Emergency Amendment filed October 1, 1997. Emergency Amendment effective October 1, 1997.

Amended: Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Emergency Amendment:** Emergency amendment filed May 31, 2011; Emergency amendment effective May 31, 2011.

465-X-5-14 Public Records-Public Information.

(1) The Board must release the following information to the public regarding complaint and investigation files, and disciplinary action proceedings:

(a) A settlement agreement adopted and ratified by the Board that closes a complaint file and represents the Board's final decision in the disciplinary action proceedings,

(b) The formal charges against a residential home builder filed by the Board's executive secretary and any amendments thereto, orders to show cause, and

(c) The Board's final decision in disciplinary action proceedings entered after a formal disciplinary action hearing.

(2) Disciplinary action hearings shall not be open to the public.

Authors: Beth Acker; Kathy Perry Brasfield.

Statutory Authority: Code of Ala. 1975, §§ 13A-14-2(a), 34-14A-8, 36-12-40, 41-22-12(g).

History: New Rule: New Rule and Emergency Rule filed October 1, 1997; Emergency Rule effective October 1, 1997. New Rule filed January 28, 1998. **Amended:** Filed August 4, 2006; effective September 8, 2006.

465-X-7-.01 Homeowners' Recovery Fund. An aggrieved homeowner who contracts directly with a licensee of the Board may recover, from the Homeowners' Recovery Fund, actual economic damages sustained within the State of Alabama as the direct result of a the licensed residential home builder's licensee's gross negligence, incompetence and/or misconduct in the practice of residential home building or a violation by a the licensee licensed residential home builder of the rules and regulations of the Board, provided that the aggrieved homeowner has obtained a valid judgment, excluding a consent judgment, and has exercised reasonable efforts to obtain a satisfaction of the judgment from the licensee licensed home builder prior to making a claim against the Homeowners' Recovery Fund. Actual economic damages is the reasonable cost of repairing the damages, other than minor cosmetic damages, sustained by a homeowner as the direct result of a licensed home builder's gross negligence, incompetence and/or misconduct in the practice of residential home building or a violation by a licensed residential home builder of the rules and regulations of the Board. Actual economic damages shall be supported by an itemized list of the actual economic damages incurred by the homeowner, a description of the repairs reasonable and necessary to correct the damages, and an estimate, by a licensee of the Board holding the type license required to perform the scope of the work included in the estimate, of the reasonable cost of making the repairs. Actual economic damages shall not include interest, damages awarded for pain and suffering or mental anguish, damages awarded for loss of consortium, damages which are the result of acts of the homeowner, court costs or attorney fees.

Author: Kathy Perry Brasfield

Statutory Authority: Code of Ala. 1975, §§ 34-14A-11, 34-14A-15

History: Original rule filed: May 5, 1999; effective June 9, 1999. **Amended:** Filed May 6, 2002; effective June 10, 2002.

465-X-7-.02 Procedure for Making a Claim Against the Homeowners' Recovery Fund.

(1) The following procedure shall be followed by a homeowner when making a claim against the Homeowners' Recovery Fund for actual economic damages sustained within the State of Alabama as the direct result of a licensed residential home builder's gross negligence, incompetence and/or misconduct in the practice of residential home building or a violation by a licensed residential home builder of the rules and regulations of the Board:

(a) The homeowner shall notify the Board in writing, by certified mail, at the time a civil action is commenced (not later than 10 days from the date on which the complaint is filed with the court); which may result in liability for the Homeowners' Recovery Fund. The homeowner shall include with the notice a copy of the civil complaint which has been filed in the appropriate court.

(b) The homeowner shall submit to the Board a sworn written complaint, on a form prescribed by the Board, stating in detail the activities complained of and the activities the ~~licensee-builder~~ is alleged to have engaged in.

(c) When the Board receives proper notice that a civil action has been commenced which may result in liability for the Homeowners' Recovery Fund, the Board may, at any time during the course of the proceedings, enter an appearance, file pleadings and appear at court hearings, defend or take action it deems appropriate either on the behalf and in the name of the defendant or in its own name. The Board may seek any appropriate method of judicial review. The Board may settle or compromise the claim.

(d) Upon receipt of the homeowner's sworn written complaint, on a form prescribed by the Board, stating in detail the activities complained of and that the ~~party licensee~~ is alleged to have engaged in, the Board will investigate the matter as prescribed at 465-X-5-.03.

(e) In order for the Homeowners' Recovery Fund to be liable to a homeowner, the homeowner shall first obtain a valid judgment, excluding a consent judgment, from a court of competent jurisdiction against the licensed home builder and said judgment shall be based on the licensed home builder's gross negligence, incompetence, and/or misconduct in the practice of residential home building or a violation of the rules and regulations of the Board. The licensed home builder must have been licensed at the time the acts constituting gross negligence, incompetence, or misconduct in the practice of residential home building were committed or the violation of the rules and regulations of the Board occurred and at the time the parties entered into the construction contract.

(f) After a homeowner obtains a valid judgment, excluding a consent judgment, in a court of competent jurisdiction against a licensed home builder on the grounds of gross negligence, incompetence and/or misconduct in the practice of residential home building or a violation of the rules and regulations of the Board, the homeowner shall, when the judgment is final, make reasonable efforts to collect the judgment from the licensed home builder. Thereafter, if the homeowner desires to seek recovery from the Homeowners' Recovery Fund, the homeowner shall:

1. File a verified claim for actual economic damages in the court in which the judgment was entered; and,

2. Give the Board 30 days written notice that the homeowner intends to apply to the court for an order directing payment out of the Homeowners' Recovery Fund of the amount remaining unpaid on the judgment. Said notice shall include:

(i) The date the judgment was entered by the court, the amount of the judgment, and the amount of the judgment attributable to actual economic damages; and,

(ii) An itemized list of the actual economic damages incurred which forms the basis of the aggrieved homeowner's claim against the Homeowners' Recovery Fund. This list shall include the actual economic damages incurred by the homeowner, a description of the repairs reasonable and necessary to correct the damages, and an estimate, submitted by a licensee of the Board, holding the type license required to perform the scope of the work included in the estimate, of the reasonable cost of repairing the damages incurred. The homeowner shall also submit copies of ~~any~~ the contract(s) entered into by the parties and any building specifications and/or construction drawings used in building the residence; and,

(iii) The amount owing on the judgment. In showing the amount owing on the judgment, the homeowner shall show evidence of reasonable efforts made by the homeowner to collect the judgment from the licensed home builder/judgment debtor. The homeowner shall provide documentation showing: ~~what steps have been~~ steps taken by the homeowner to locate the licensed home builder/judgment debtor; ~~what steps taken by the homeowner has taken~~ steps taken to discover if the licensed home builder/judgment debtor has assets from which to collect the judgment, including but not limited to bank accounts, real and/or business property and equipment; ~~what steps taken by the homeowner has taken~~ steps taken to determine whether ~~or not~~ the licensed home builder is insured and if insured, that the homeowner has filed a claim with the licensed home builder's/judgment debtor's insurance carrier; ~~what action has been~~ steps taken by the homeowner to file a lien against the licensed home builder/judgment debtor; and, ~~what action has been~~ steps taken by the homeowner to file a garnishment against the licensed home builder/judgment debtor.

(g) After expiration of the 30 day notice requirement, the homeowner shall make application to the court for an order directing payment out of the Homeowners' Recovery Fund. When the homeowner's application to the court for an order directing payment out of the Homeowners' Recovery Fund is set for hearing, the homeowner shall be required to show:

1. That he or she is not the spouse, child, or parent of the debtor, or the personal representative of the spouse, child, or parent or a shareholder officer or director of the debtor; and,

2. That he or she has obtained a judgment, other than a consent judgment, based on the gross negligence, incompetence and/or misconduct of a licensed home builder in the practice of residential home building or a violation by a licensed home builder of the rules and regulations of the Board; and,

3. That the licensed home builder was licensed at the time the parties entered into the construction contract; and, at the time of the occurrence of the acts which form the basis of the complaint and which resulted in a judgment for the homeowner based on the licensed home builder's gross negligence, incompetence, and/or misconduct in the practice of residential home building or a violation by a licensed home builder of the rules and regulations of the Board ~~and that the licensed home builder was licensed at the time the parties entered into the construction contract;~~ and,

4. The amount of the judgment awarded by the court and the amount of the judgment attributable to actual economic damages, i.e., the reasonable cost of repairing the damages, other than minor cosmetic damages, sustained by the homeowner as the direct result of the licensed home builder's gross negligence, incompetence and/or misconduct in the practice of residential home building or a violation of the rules and regulations of the Board. Actual economic damages shall not include interest, damages awarded for pain and suffering or mental anguish, damages awarded for loss of consortium, damages which are the result of acts of the homeowner, court costs or attorney fees. The evidence required to show actual economic damages shall include, but not be limited to, an itemized list of the damages incurred, a description of the repairs reasonable and necessary to correct the damages and an estimate, submitted by a licensee of the Board; holding the type license required to perform the scope of the work included in the estimate, of the reasonable cost of repairing said damages; and,

5. That the homeowner has joined any and all bonding companies which issued corporate surety bonds to the judgment debtor as principal and all other necessary parties; and,

6. That the following items, if recovered by the homeowner, have been applied to the actual economic damages:

- (i) Any amount recovered from the judgment debtor.
- (ii) Any amount recovered from bonding companies.
- (iii) Any amount recovered in out-of-court settlements.

(2) The Board may review and challenge the actual economic damages submitted by the homeowner and the Board may submit evidence to dispute said damages. The Board may also challenge, as inadequate, the steps taken by the homeowner to collect the judgment.

(3) Failure of the homeowner to follow the provisions set forth in this chapter of these Rules for making a claim against the Homeowners' Recovery Fund shall preclude payment from the Fund.

Author: Kathy Perry Brasfield

Statutory Authority: Code of Ala. 1975, §§ 34-14A-8, 34-14A-11, 34-14A-15.

History: Original rule filed: May 5, 1999; effective June 9, 1999. **Amended:** Filed May 6, 2002; effective June 10, 2002.

465-X-7-.03 **Subrogation.** If the Court orders the Board to pay any sum from the Homeowners' Recovery Fund, the Board shall be subrogated to all the rights of the homeowner/judgment creditor. As the judgment creditor, the homeowner to whom any sum from the Homeowners' Recovery Fund was paid, shall execute an Assignment of Rights, assigning to the Board all of his/her/its rights, title, and interest in the judgment, to the extent of the amount paid from the Homeowners' Recovery Fund, to the Board.

Author: Kathy Perry Brasfield

Statutory Authority: Code of Ala. 1975, §§ 34-14A-11, 34-14A-15.

History: Original rule filed: May 5, 1999; effective June 9, 1999. **Amended:** Filed May 6, 2002; effective June 10, 2002.