ALABAMA BUILDING COMMISSION
ADMINISTRATIVE CODE

CHAPTER 170-X-24
ALABAMA HOME INSPECTORS REGISTRATION PROGRAM

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170-X-24-.01 Definition Of Terms.

(1) Code of Ala. 1975, §34-14B-2, provides for the definition of the following terms: Building Commission, Exterior Insulation and Finish Systems (EIFS) Inspector, Home Inspector, Person and Residence.

(2) Act. The term "Act" as used in this Chapter 170-X-24 shall mean Title 34, Chapter 14B of the Code of Ala. 1975, as amended.

(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) Director. The term "Director" is defined in Rule 170-X-1-.03(b). Further, the Director shall be the official of the Building

Commission responsible for and empowered to implement, supervise and carry out the requirements of this Alabama Home Inspectors Registration Program. The Director's powers shall include, but shall not be limited to, the decision to accept, reject, approve or disapprove of any and all applications (whether initial, renewal or reconsideration) for licensure, to revoke or suspend licensure, imposition of fines and making a final decision on all complaint procedures, disciplinary hearings and enforcement.

(5) License. The term "license" as used in this Chapter 170-X-24 shall mean a certificate of licensure issued or renewed by the Building Commission pursuant to the Act and this Chapter 170-X-24.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.02 Roster Of Licenses.

Beginning in 2003, the Building Commission shall, by March 31 of each year, publish on its website and otherwise make available for public inspection upon request, a complete roster of all licenses issued and renewed for that calendar year. The Building Commission shall keep the roster updated throughout the year.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.03 Requirement For Licensing.

All Home Inspectors and EIFS Inspectors shall have and maintain a current license issued by the Building Commission. A license is current only during the calendar year in which it is issued. Unless renewed, a license automatically shall expire at the end of the calendar year for which it was issued.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.04 Filing.

License applications, annual license renewal applications, and all other applications or submissions required by the Act and these rules shall be deemed filed when received by the Director. The Director may reject an application that is inaccurate, incomplete, not notarized, or for which all fees due have not been paid in the form required at the time the application is filed. All applications for licenses for the calendar year 2003 must be filed with the Director on or before November 29, 2002.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.05 License Requirements.

(1) In order to receive a license, a Home Inspector must successfully complete the following actions:

(a) File an accurate, complete, timely, and notarized application for license with the Director, along with the appropriate fee.

(b) Obtain bodily injury and property damage liability insurance covering the applicant's home inspection operations in the sum of not less than $20,000 for injury or damage to property; $50,000 for injury or damage, including death, to any one person; $100,000 for injury or damage, including death, to more than one person; and $250,000 of errors and omissions coverage.

(c) Provide evidence of one of the following professional qualifications:

1. Membership in and adherence to the ethical standards of one of the following professional bodies at the time of application:

American Society of Home Inspectors, Inc. (ASHI), 932 Lee Street, Suite 101, Des Plaines, IL 60016

Housing Inspection Foundation, dba The Association of Home Inspectors, 1224 North Nokimis, N.E., Alexandria, MN. 56308.

Home Inspection Institute, 4007 LaCrosse Avenue, Cincinnati, OH 45227.

National Association of Home Inspectors, Inc., 4248 Park Glen Road, Minneapolis, MN 55416.

National Institute of Building Inspectors (NIBI), 424 Vosseller Avenue, Bound Brook, NJ 08805.

American Inspectors Society, P.O. Box 702, Stone Mountain, GA 30086.

Home Inspection Institute of America, P.O. Box 4174, Yalesville, CT 06492-1524.

Inspection Depot, 7700 Square Lake Blvd., Bldg. 2, Jacksonville, FL 32256.

Advantage Systems ASP, LLC, P.O. Box 3917, Greenville, SC 29608.

Inspection Technology Institute, 849 N. Ellsworth St., Naperville, IL 60563.

International Society of Home Inspectors, 141 Robert E. Lee Blvd. - 50, New Orleans, LA 70124.

2. Approval or certification by one of the following agencies to inspect residential construction: The United States Veterans Administration, United States Department of Housing and Urban Development, the Southern Building Code Congress International, or the Council of American Building Officials.

3. A high school diploma or its equivalent, work experience for at least one year as a home inspector, and completion of at least 100 home inspections for compensation.

4. Alabama licensure on or after January 1, 1998, as a general contractor, registered professional architect, registered professional engineer, or residential home builder. Renewals of home inspector licensure previously supported by evidence of an acceptable professional license shall not require the applicant to repeat proof of such professional licensing.

(d) Complete a written examination demonstrating to the Building Commission that the applicant possesses an appropriate understanding of the Standards of Practice (Rule 170-X-25-.01) and the Code of Ethics (Rule 170-X-25-.02) promulgated by the Building Commission and a written examination demonstrating adequate knowledge of performing

home inspections. The written examination for Home Inspectors to demonstrate appropriate understanding of the Standards of Practice and Code of Ethics will be the American Society of Home Inspectors Standards and Ethics Examination. The written examination demonstrating adequate knowledge of performing home inspections will be the Examination Board of Professional Home Inspectors National Home Inspectors Examination. Applicants shall pay any and all fees associated with testing directly to the organizations conducting the testing. Applicants must present with their application, original or duplicate test score reports demonstrating that the applicant has passed both tests within ninety (90) days of submitting the application.

(2) In order to receive a license, an EIFS Inspector must meet the same qualifications as a Home Inspector except applicants for licensure as an EIFS Inspector need not obtain the insurance referred to in subsection (1)(b) above, provide evidence of one of the professional qualifications referenced in subsection (1)(c) above or sit for the written examination specified by the Building Commission. An EIFS Inspector shall comply with the Standards of Practice and Code of Ethics promulgated at Rules 170-X-25-.03 and .04. In addition, an EIFS Inspector must, at the time of application, be a member of and adhere to the ethical standards of one of the following professional bodies:

Exterior Design Institute, 1531 Early Street, Norfolk, VA 23502.

Association of the Wall and Ceiling Industry, 803 Broad Street, Suite 600, Falls Church, VA 22046.

Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002. **Amended:** Filed February 2, 2004; effective March 8, 2004.

170-X-24-.06 Annual License Renewal, Consequences 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 renewed by the licensee.

(2) To renew a license, the licensee must file a complete, accurate, timely, and notarized annual license renewal application with the Director of the Building Commission. Applicants renewing a Home Inspector's license must also demonstrate continued compliance with the requirements found in Rules 170-X-24-.05(1)(b) and (c), and for renewals of licenses for the year 2005,

demonstrate compliance with the requirement for errors and omissions coverage found in 170-X-24-.05(1)(b) above and compliance with the requirement found in 170-X-24-.05(1)(d) above of providing an original and duplicate test score report demonstrating that the applicant has passed the Examination Board of Professional Home Inspectors National Home Inspectors Examination. Applicants renewing an EIFS Inspector's license must also demonstrate continued membership in and adherence to the ethical standards of the Exterior Design Institute or the Association of the Wall and Ceiling Industry. Annual license renewal applications must be filed with the Building Commission by October 1 of the year preceding the year for which the license is to be renewed. Any renewal applications received after October 1 may, in the sole discretion of the Director, be rejected for that reason alone. Certificates of licensure shall be renewed on or before 60 days prior to the expiration date.

(3) If a licensee changes its address during the license year, the licensee promptly must notify the Building Commission of the new address.

Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002. **Amended:** Filed February 2, 2004; effective March 8, 2004.

170-X-24-.07 Denial Of License.

(1) Grounds for Denial. The Director may deny an application for a license or a license renewal for the applicant's failure to meet any requirement or standard established by the Act or these rules.

(2) Notice of Denial. The Building Commission shall give any applicant whose application for licensure or renewal is denied a written notice specifying the reason for the denial.

(3) Reconsideration.

(a) An applicant denied a license shall be given an opportunity to be re-considered after filing a new application and paying an additional application fee; provided, however, the Director in his discretion may waive any application requirements regarding the filing of any additional forms or the payment of any additional fees.

(b) An applicant who claims to have been wrongfully denied a license may request reconsideration of the Director's decision at any time within 45 days after the date of the Director's notice of denial. This request for reconsideration must be in writing and must include evidence that the Director relied on

inaccurate or incomplete information in denying the applicant a license; evidence of rehabilitation or the elimination or cure of the grounds on which the denial was based; or other explanatory evidence bearing on the applicant's record. In connection with this request for reconsideration, the applicant shall be entitled to appear before a technical committee designated by the Director, in order to present the request. Applicants requesting reconsideration of denial shall be notified of the opportunity to appear before the committee by letter, mailed certified mail, return receipt requested, to the most recent address on file with the Building Commission at least 15 days prior to the scheduled date of the committee meeting. The notice shall also otherwise substantially comply with the requirements found in Code of Ala. 1975, §41-22-12(b). In the event an applicant receives less than 15 days' notice as described herein, the Director may grant a continuance until the next meeting date. The committee shall report to the Director its recommendation concerning the applicant's request for reconsideration. The Director shall be solely responsible for deciding whether or not to grant or deny the applicant a license. Should the Director deny the applicant his or her license, the applicant shall thereafter be entitled to appeal that decision to circuit court, as provided in Rule 170-X-24-.18.

Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.08 Failure Of Timely Payment Of Fees.

An application for a license, or any request for which a fee is required, must be accompanied by payment of the requisite fee in full in the appropriate form, or else the application or request shall be denied.

Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.09 Method Of Payment, Time Of Payment.

Fees may only be paid by cashier's check, bank check or commercial money order. Fees are deemed paid when the funds represented by the check or money order actually are received by or made available to the Director.

Author: Kippy Tate

Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.10 Fees Not Refundable.

No fee or part of a fee paid by an applicant for a license, or any request for which a fee is required, shall be refunded as a result of the denial, revocation or suspension of the applicant's license. In the event an applicant fails to complete the application process successfully or to take or pass the written examination, or the Director refuses to issue a license to an applicant, any license fee submitted as part of the application process shall not be refunded.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.11 Fees.

A fee of $300 shall accompany every application for licensure or application for the renewal of a license.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.12 Fee Adjustments.

The Building Commission may adjust the fees as necessary to cover the Building Commission's operating costs as provided in Code of Ala. 1975, §34-14B-5.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.13 Violations Of Act, Initiation Of Proceedings.

(1) The Director may initiate such actions as it deems appropriate to investigate and determine compliance by Home Inspectors and EIFS Inspectors with the provisions of the Act and the rules of the Building Commission.

(2) The Director may also take action where initiated by an aggrieved party to a transaction involving a licensed inspector or by the Attorney General of the State of Alabama.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.14 Complaint Procedure.

(1) In the event a complaint is filed against a licensee or if the Director 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 Director shall notify the licensee of investigation and the charges being investigated.

(b) The Director shall designate individuals to serve on an Investigative Committee. This Investigative Committee shall conduct an investigation of the complaint.

(c) At the end of the investigation, the Investigative Committee shall inform the Director as to whether probable cause exists for the Building Commission to initiate formal disciplinary proceedings, or to forward any necessary information to the appropriate governmental authorities. No member of the Investigative Committee, or any other individual associated with the investigation, shall in any way communicate any information to the Director concerning the facts, merits or substance of the investigation. If the Investigative Committee determines upon its investigation that no probable cause exists, the proceedings will terminate.

(2) In the event the Investigative Committee determines that probable cause exists to initiate formal disciplinary proceedings, the Investigative Committee shall so notify the Director. The Director shall thereafter schedule a proposed hearing date to be

held within three months from the Director's receipt of the Investigative Committee's report.

(3) Notice shall be mailed certified mail, return receipt requested, to the most recent address of the licensee on file with the Building Commission. In the event the notice is refused or the return receipt has not been received by the Building Commission at least 10 days before the proposed hearing date, the licensee may be served by mailing a copy of the notice first class mail at least seven days before the proposed hearing date. The notice shall include a notice of the proposed hearing date and the respondent's opportunity to request that the hearing be conducted. The notice shall otherwise substantially comply with Code of Ala. 1975, §41-22-12(b).

(4) A respondent may request in writing that the hearing be conducted. The request shall be submitted to the Director within 15 calendar days of the date of receipt of notice. Failure to request a hearing within the above time frame shall constitute a waiver of the opportunity for a hearing and shall cause the matter to be submitted to the Director for final action. Should the respondent request a hearing, the date of the hearing will be the proposed date established pursuant to subsection (2) above. Disciplinary Hearings will be conducted as described in Chapter 170-X-24-.16.

(5) Nothing contained herein shall be deemed to prohibit the informal disposition of any matter by stip ettlement, consent order or default or by another method agreed upon by the Director and the respondent in writing.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.15 Pre-Hearing Discovery.

Within a reasonable amount of time prior to the scheduled hearing, the parties shall exchange all documents to be introduced into evidence at the hearing. The hearing officer, or in the absence of a hearing officer the Director, shall make all other decisions concerning pre-hearing discovery when requested to do so by either party.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.16 Disciplinary Hearings.

(1) Conduct of Hearing

(a) The Director, in his or her discretion and subject to applicable provisions of the Alabama Administrative Procedures Act, may appoint a hearing officer to hear the evidence and submit a report to the Director, including recommended findings of fact and conclusions of law.

(b) The respondent shall either admit or deny the charges set forth in the complaint.

(c) The hearing shall be conducted in a manner prescribed by the hearing officer, or, in the absence of a hearing officer, in a manner prescribed by the Director.

(d) The Director shall issue an order within 30 days after either the hearing is concluded, if conducted by the Director, or the Director's receipt of the hearing officer's report, if the hearing was conducted by a hearing officer. The order shall include findings of fact, official notice taken and conclusions of law, stated separately. The parties shall be notified either personally or by certified mail, return receipt requested, of any order, and a copy of the final order shall be delivered and mailed to each party or to his or her attorney of record.

(2) Other. The hearing otherwise shall be conducted in compliance with the provisions of the Alabama Administrative Procedures Act.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.17 Discipline.

(1) Revocation and suspension of license and imposition of administrative fines. The Director may revoke or suspend the respondent's license and may impose and collect administrative fines not to exceed $3,000 per violation of the Act or these rules:

(a) Upon a finding that the respondent has provided false information in an application;

(b) Upon a finding that respondent has violated the applicable Standards of Practice or Code of Ethics promulgated by the Building Commission;

(c) Upon a finding that any of the insurance coverages required in Rule 170-X-24-.05 has ceased to be effective; or

(d) Upon a finding by the Director that the respondent has failed to comply with any requirement of the Act or these rules.

(2) Considerations. In determining whether a license should be revoked or suspended and the imposition of any fines, the Director 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 licensee;

(f) The licensee's experience;

(g) The actual damage, physical or otherwise;

(h) The deterrent effect of the penalty imposed; and

(i) Any other mitigating or aggravating circumstances.

(3) Surrender of License. Upon the Director's revocation or suspension of a license, the licensee promptly shall surrender to the Director the license certificate issued to the licensee.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.18 Appeal.

A licensee whose license has been revoked, suspended or who otherwise has been the subject of a final disciplinary action may appeal the Director's order to the Circuit Court of Montgomery County, or such other proper venue as disclosed in Code of Ala. 1975, §41-22-20(b). Any such licensee must file with the Director's written notice of his intention to appeal within ten

days of receipt by the licensee of the Director's final order and must file a petition for judicial review in the appropriate court within 30 days after filing the notice of appeal with the Director.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.19 Reinstatement Of License After Revocation Or Suspension.

Any licensee whose license has been revoked or suspended may apply to the Director for reinstatement of the license at any time. In the application for reinstatement, the applicant shall state why the license should be reinstated and shall specifically set forth any change in circumstances that would justify reinstatement. The application for reinstatement must include evidence that the applicant meets all the current licensure requirements and, unless excused by the Director, the applicant must qualify for licensure through all the procedures, including written examination, for initial licensure.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

170-X-24-.20 Temporary Restraining Orders And Other Injunctive Relief.

Upon receipt of evidence that a licensed Home Inspector or EIFS Inspector has violated or is about to violate the Act or the rules of the Building Commission, the Director may petition the Circuit Court of the county in which the violation occurred or is about to occur to issue a temporary restraining order or other appropriate injunctive relief enjoining such violation.
Author: Kippy Tate
Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.
History: **New Rule:** Filed September 23, 2002; effective October 28, 2002.

**ED NOTE: THE RULES OF THE BUILDING COMMISSION WERE TRANSFERRED TO THE
DEPARTMENT OF FINANCE, CHAPTER 355-17-1, PURSUANT TO ACT 2015-435.**