

# PUBLICATION

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## Alabama Home Builders Challenge Requirement to Use Architects on Townhouses

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**The Alabama Homebuilders Association of Alabama, Inc. (the Homebuilders) has sued the Alabama State Board for Registration of Architects (the Board) seeking to invalidate a regulation that requires an architect for the design of townhouses. Alabama's code exempts from the practice of architecture the making of plans and specifications for the construction of "single-family residence buildings." The Board's regulations state that an architect is not required for design of a "detached single-family residence."**

The Homebuilders argue that because the modifier "detached" is not found in the statute, the regulation is overly restrictive and not consistent with the statute. The Homebuilders argue that a townhouse is a single-family dwelling, and thus an architect is not required for its design. The Board argues that the word "detached" was added to clarify the exemption and avoid ambiguity. They also argue the exemption does not apply for public safety reasons: namely, that townhouses must have a one-hour rated wall or floor separating units, which is not easily accomplished in conventional, residential construction. For this reason, the Board argues that townhouse construction requires the life-safety expertise of an architect.

The Board has moved to dismiss the complaint, and argues that the lawsuit is premature because the Board's decision has not been made final. A hearing by the court has been set for April 30, 2018.