

HB119 INTRODUCED



1 HB119
2 3PHW5ZV-1
3 By Representative Brown (N & P)
4 RFD: Mobile County Legislation
5 First Read: 13-Jan-26
6 PFD: 06-Jan-26



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A BILL

TO BE ENTITLED

AN ACT

Relating to Mobile County; to amend Section 45-49-140.10, Code of Alabama 1975, to further provide for the collection of fire service fees to maintain firefighting districts by providing a definition for "residence"; and to make other, nonsubstantive changes to update the code language to existing style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-49-140.10, Code of Alabama 1975, is amended to read as follows:

"§45-49-140.10

(a) The expense of establishing and maintaining a district shall be paid for by the proceeds of a service charge which~~that~~ shall be levied and collected in an amount sufficient to pay the expense. The service charge shall be levied upon and collected from persons and properties served by the system. Such~~The~~ charge shall be a personal obligation of the owner of the property served by the system, and to secure the collection of the charge there shall be a lien against the property in favor of the district, ~~which~~ which shall be enforceable by sale thereof in the same manner



29 in which the foreclosure of a municipal assessment for public
30 improvements is authorized.

31 (b) A property owner who owns a structure, used solely
32 as a residence, which at the time of its original construction
33 was ~~situated~~located on a county line, may avoid the payment of
34 a service charge ~~which is based upon the presence of such~~
35 ~~structure,~~ if all of the following requirements are met:

36 (1) Between January 1, 1990~~T~~ and December 28, 1990,
37 ~~such~~the structure was not assessed for taxes in Mobile County.

38 (2) Between January 1, 1990~~T~~ and December 28, 1990, any
39 homestead exemption was not claimed for ~~such~~the structure in
40 reduction of taxes assessed in Mobile County.

41 (3) The property owner furnishes proof to the district,
42 of an agreement between ~~such~~the property owner and another
43 district or municipality located in the county within whose
44 boundaries the remaining portion of the structure is located,
45 to provide ~~fire fighting~~firefighting and emergency medical
46 services to ~~such property owner's~~the property ~~so long as the~~
47 ~~structure is existent~~while the structure stands.

48 (4) The property owner furnishes to the district all of
49 the following:

50 a. An irrevocable waiver of liability absolving the
51 district from any and all liability for failure to respond to
52 calls for ~~fire fighting~~firefighting or emergency medical
53 services to any portion of ~~such~~the owner's property contiguous
54 to the ~~aforesaid~~ structure.

55 b. An agreement that any service charges imposed with
56 respect to future construction on the property shall



57 constitute a lien upon the entire property located within the
58 district, including the property upon which the residence is
59 ~~situated~~located.

60 (c) Subsection (b) may be applied retroactively in
61 respect of unpaid service charges if: ~~(1)~~(i) in the opinion of
62 the board of trustees the waiving of previously imposed
63 service charges will have no significant impact on the
64 financial viability of the district; and ~~(2)~~(ii) the district
65 has long term debt outstanding, the aggregate amount of which
66 is such that retroactive waiver for all properties covered by
67 subsection (b) is no more than one-tenth of one percent of the
68 amount of ~~such~~the long termlong-term debt then outstanding.

69 (d) In any district established under this subpart that
70 levies and collects a service fee on a residence, the fee
71 shall be collected from the owner of each of the following:

72 (1) A structure or improvement assessed for purposes of
73 ad valorem taxation as Class III single-family, owner-occupied
74 residential property.

75 (2) A unit in a duplex, multiplex, or condominium
76 building.

77 (3) An apartment building.

78 (4) A house trailer as defined in Section 32-1-1.1 or a
79 manufactured home as defined in Section 32-20-2.

80 (5) A lot in a residential park or development divided
81 into lots for the use of motor homes or recreational vehicles
82 to be occupied as dwellings on a seasonal, semipermanent, or
83 permanent basis."

84 Section 2. This act shall become effective on October

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85 1, 2026.