

HB281 ENROLLED



1 HB281
2 QKQA541-2
3 By Representatives Almond, Brinyark, Lamb
4 RFD: Judiciary
5 First Read: 13-Feb-25



HB281 Enrolled

1 Enrolled, An Act,

2
3 Relating to municipal zoning boards of adjustment; to
4 amend Section 11-52-81, Code of Alabama 1975, to further
5 provide for the appeal of final decisions of zoning boards of
6 adjustment to the circuit court.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 11-52-81 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§11-52-81

11 (a) Any party aggrieved by any final judgment or
12 decision of such a board of zoning adjustment may within 15
13 days thereafter appeal therefrom to the circuit court by
14 filing with such board a written notice of appeal specifying
15 the judgment or decision from which the appeal is taken. In
16 case of such appeal such board shall cause a transcript of the
17 proceedings in the action to be certified to the court to
18 which the appeal is taken, and the action in such court shall
19 be tried de novo. appeal the final decision of the board by
20 filing an appeal in the circuit court in the county where the
21 board convenes. The aggrieved party shall first file a written
22 notice of appeal with the board within 15 days after the final
23 decision, specifying the decision from which the appeal is
24 taken. Thereafter, the aggrieved party must file the appeal
25 with the proper circuit court within 45 days after the final
26 decision of the board and shall also serve the board with the
27 appeal at the office of the city clerk. After an appeal has
28 been filed in the circuit court, the board shall submit to the



HB281 Enrolled

circuit court a certified copy of the minutes of the meeting
of the board regarding the appealed case along with copies of
any documents submitted to the board during the meeting
concerning the appealed case. Minutes and other documents
shall be submitted within 45 days after the board is served
with the appeal, unless extended by order of the court. The
action in the circuit court shall be tried de novo. If the
appellant requests a certified written transcript of the
proceedings, he or she will be responsible for paying the cost
of the transcript.

(b) The decision of the board shall remain in effect
during the pendency of the appeal unless the circuit court
grants a stay. In determining whether to grant a stay, the
circuit court shall consider the appellant's likelihood of
success on the merits, whether there may be irreparable injury
absent a stay, whether the stay will substantially injure any
party to the proceeding, and whether a stay is in the public's
interest."

Section 2. This act shall become effective on October
1, 2025.



HB281 Enrolled

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 18-Mar-25, as amended.

John Treadwell
Clerk

Senate	_____ 06-May-25	Amended and Passed
House	_____ 06-May-25	Concurred in Senate Amendment