

HB331 INTRODUCED



1 HB331

2 7I3FV22-1

3 By Representatives Tillman, Hendrix, Sellers, Moore (M), Givan

4 (N & P)

5 RFD: County and Municipal Government

6 First Read: 25-Feb-25



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SYNOPSIS:

Relating to Class 1 municipalities; to authorize a Class 1 municipality to enact by ordinance provisions for vacant real property registration; to require a registration fee for the registration of vacant properties; and to enact and enforce maintenance standards for vacant properties.

A BILL
TO BE ENTITLED
AN ACT

Relating to vacant real property located in a Class 1 municipality; to authorize the governing body of a Class 1 municipality to enact and enforce vacant property registration ordinances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to a Class 1 municipality.

Section 2. The provisions of this act shall apply in any Class 1 municipality that adopts this act to be applicable to the registration of vacant property in the municipality.

Section 3. The Legislature finds and declares all of the following:



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29 (1) Vacant properties create numerous problems in a
30 Class 1 municipality, including a propensity to foster
31 criminal activity, create blight and blighting conditions,
32 create public health problems, and otherwise diminish quality
33 of life for residents and business operators in the
34 surrounding area.

35 (2) Vacant properties negatively impact the property
36 rights of neighboring property owners by reducing the value of
37 surrounding properties, impacting the quality of life of
38 adjacent property owners, increasing the risk of property
39 damage through arson and vandalism, and discouraging
40 neighborhood stability and revitalization.

41 (3) Abandoned properties are presumptively considered
42 to be nuisances, in view of their negative effects on nearby
43 properties and the residents or users of those properties.

44 (4) Vacant properties require a Class 1 municipality to
45 expend significant monetary and personnel resources and to
46 incur a disproportionate cost to address problems of vacant
47 and abandoned structures, which include, but are not limited
48 to, property inspections, nuisance abatement, fire calls, and
49 police calls.

50 (5) Vacant properties represent unrealized economic
51 growth for a Class 1 municipality.

52 (6) A vacant property registration ordinance would
53 allow a Class 1 municipality to discourage property vacancy,
54 to maintain unoccupied buildings, to provide a database of
55 vacant properties and their owners in order to better ensure
56 compliance with applicable property codes, and to assess fees



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57 for the increased public costs associated with vacant
58 properties.

59 (7) Fees imposed under a vacant property registration
60 ordinance have the potential to benefit the owners of vacant
61 properties by helping to finance additional government
62 services by a Class 1 municipality to protect the value and
63 security of such properties.

64 (8) Enactment of a vacant property registration
65 ordinance is a proper exercise of governmental authority to
66 protect the public health, safety, and welfare of community
67 residents and a valid regulatory scheme.

68 Section 4. The purposes of this act are to promote the
69 health, safety, and welfare of residents in a Class 1
70 municipality by providing authority for a Class 1 municipality
71 to enact a vacant property registration ordinance. The
72 ordinance will allow a Class 1 municipality to identify and
73 register vacant properties, collect fees to compensate for the
74 public costs of vacant properties, plan for the rehabilitation
75 of vacant properties, and encourage the occupancy of vacant
76 properties.

77 Section 5. For purposes of this act the following terms
78 have the following meanings:

79 (1) EVIDENCE OF VACANCY. Any condition or circumstance
80 that on its own or in combination with other conditions or
81 circumstances would lead a reasonable person to believe that a
82 residential building or commercial building is vacant.
83 Conditions or circumstances may include, but are not limited
84 to:



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- 85 a. Overgrown or dead vegetation, including grass,
86 shrubbery, and other plantings;
- 87 b. An accumulation of abandoned personal property,
88 trash, or other waste;
- 89 c. Visible deterioration or lack of maintenance of any
90 building or structure on the property;
- 91 d. Graffiti or other defacement of any building or
92 structure on the property;
- 93 e. An absence of legal occupancy or routine legal
94 activity occurring on the property; or
- 95 f. Any other condition or circumstance reasonably
96 indicating that the property is not occupied for residential
97 purposes or being used for the operation of a lawful business.
- 98 (2) OWNER. A person who individually or jointly with
99 others:
- 100 a. Has legal title to the property, with or without
101 actual possession, or who is shown to be the owner or owners
102 of record in the records of the probate office;
- 103 b. Has charge, care, or control of the property as
104 owner or agent of the owner;
- 105 c. Is an executor, administrator, trustee, or guardian
106 of the estate of the owner;
- 107 d. Is the agent of the owner for the purpose of
108 managing, controlling, or collecting rents; or
- 109 e. Is entitled to control or direct the management or
110 disposition of the property.
- 111 (3) RESIDENTIAL BUILDING. A house, condominium,
112 townhouse, apartment unit or building, or any other building



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113 where the whole building or parts thereof are designed or used
114 as residential dwellings or auxiliary uses to a residential
115 dwelling.

116 (4) VACANT. A residential building or commercial
117 building that is lacking habitual presence of human beings who
118 have a legal right to be on the property, or at which
119 substantially all lawful business operations or residential
120 occupancy has ceased for a period of 90 consecutive days. In
121 determining whether a property is vacant, a Class 1
122 municipality may consider, among other factors, evidence of
123 vacancy.

124 Section 6. (a) The governing body of a Class 1
125 municipality may adopt a vacant property registration
126 ordinance that establishes a vacant property registration and
127 maintenance program that applies to any type of either
128 residential or commercial buildings, or both, located within
129 the corporate limits of the municipality, except that a vacant
130 property registration ordinance shall not apply to property
131 owned by the federal government, the State of Alabama, any
132 political subdivision thereof, or a public corporation.

133 (b) A vacant property registration ordinance shall
134 create a city-wide vacant property registration database and
135 clearly designate a program administrator.

136 Section 7. (a) Owners of vacant property subject to a
137 vacant property registration ordinance shall register the
138 property with the program administrator within 30 days after
139 the property becomes vacant or within 30 days after assuming
140 ownership of the vacant property, whichever is later, or



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141 within 10 days after receipt of notice by the municipality
142 that the property is vacant.

143 (b) A vacant property registration ordinance
144 registration form shall be in either paper or electronic form,
145 and the following information, at a minimum, shall be
146 required:

147 (1) The name, street address, mailing address,
148 telephone number, and, if applicable, the facsimile number and
149 email address of the property owner and his or her agent who
150 is an individual at least 21 years of age who is designated by
151 the owner as authorized agent for receiving notice of code
152 violations and for receiving process in any court proceeding
153 or administrative enforcement proceeding on behalf of the
154 owner in connection with the enforcement of any applicable
155 law, regulation, or code.

156 (2) The street address and parcel identification number
157 of the vacant property.

158 (3) The transfer date of the instrument conveying the
159 property to the owner.

160 (4) The date on which the property became vacant.

161 (c) (1) A vacant property registration ordinance may
162 require payment of a fee upon registration of the vacant
163 property pursuant to subsection (a) and may require the
164 payment of supplemental registration fees every 12 months
165 thereafter for as long as the property remains on the vacant
166 property registration database. The initial registration fee
167 shall be not more than two hundred fifty dollars (\$250)
168 annually for a residential property and not more than one



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169 thousand dollars (\$1,000) annually for a commercial property.
170 A supplemental registration fee shall be not more than double
171 the previous fee amount, with a maximum supplemental
172 registration fee of 10 times the initial registration fee
173 amount.

174 (2) Registration fees may be refundable on a prorated
175 basis for the year preceding the date on which the property is
176 no longer vacant.

177 (3) A vacant property registration ordinance shall
178 provide an exemption for time periods set forth in the
179 ordinance to the registration and fee requirements for vacant
180 property that is advertised in good faith for sale or lease.

181 (4) A vacant property registration ordinance may
182 provide exemptions to the registration and fee requirements,
183 including, but not limited to, for vacant property:

184 a. Only considered to be a seasonal residence;

185 b. Damaged by fire, weather, an act of God, or
186 vandalism, and the owner demonstrates his or her intent to
187 repair or renovate;

188 c. Under construction or renovation;

189 d. Where the owner is temporarily absent but who has
190 demonstrated his or her intent to return;

191 e. That is subject to divorce, probate, or estate
192 proceedings;

193 f. When the owner or occupant of the vacant property
194 files with the program administrator a detailed statement of
195 the owner or occupant's plans for restoration of the vacant
196 property to productive use and occupancy during the 12-month



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197 period following the date when the initial registration of the
198 property would otherwise be due. If the restoration or
199 occupancy of the property has not commenced by the end of the
200 12-month period, the owner or occupant shall be liable for any
201 fee waived. The program administrator may extend the waiver of
202 the registration fee for not more than one additional year in
203 response to a written request by the property owner or
204 occupant where the program administrator finds that compelling
205 conditions outside the owner or occupant's control made it
206 impossible for the owner or occupant to restore the property
207 within the initial 12-month period; or

208 g. In other situations in which the governing body of
209 the municipality, on a case-by-case basis and upon request by
210 the property owner, determines that an exemption of a vacant
211 property from registration is appropriate upon a finding for
212 good cause shown that the owner or lawful occupant will be
213 unable to occupy the building for a determinate period of
214 time, provided that the property owner or occupant provides a
215 detailed statement of the owner or occupant's plans for
216 restoration of the vacant property to productive use and
217 occupancy during the 12-month period following the date when
218 the initial registration of the property would otherwise be
219 due.

220 (d) A vacant property registration ordinance may
221 require that when the owner of the vacant property resides
222 outside of the state, the owner shall provide the name and
223 address of an individual who resides within the state who is
224 authorized to accept service of process and notices of fees



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225 due under this act on behalf of the owner and who is
226 designated as a responsible, local party or agent for the
227 purposes of notification in the event of an emergency
228 affecting the public health, safety, or welfare.

229 Section 8. (a) A vacant property registration ordinance
230 shall:

231 (1) Provide that a subsequent owner or owners of
232 property subject to the ordinance shall assume the obligations
233 of the previous owner or owners;

234 (2) Provide for removal of the property from the vacant
235 property registration database when the property is no longer
236 vacant;

237 (3) Require submission of an owner plan for restoration
238 and occupancy of the property; and

239 (4) Provide that owners have the right to prior notice
240 and to appeal adverse decisions of the municipality or the
241 program administrator. Prior notice shall be sent by certified
242 mail to the registered owner at the address maintained in the
243 probate office or according to the records of the tax assessor
244 or revenue commissioner, if different, at least 10 days prior
245 to the adverse decision.

246 (b) A vacant property registration ordinance may allow
247 the program administrator or his or her designee to inspect
248 the interior and exterior of the vacant property upon
249 registration and at one--year intervals thereafter or more
250 frequently if necessary to protect public health and safety,
251 for so long as the property remains on the vacant property
252 registration database.



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253 (c) A vacant property registration ordinance may
254 provide for municipal fines for failure to comply with its
255 requirements. A municipality may enforce the collection of
256 vacant property registration fees by civil action in any court
257 of competent jurisdiction. Unpaid vacant property registration
258 fees and unpaid fines for any violation of a vacant property
259 registration ordinance shall become a lien on the applicable
260 property upon the recording of a notice of the lien in the
261 probate office. The lien created under this subsection shall
262 be superior to all other liens, except those liens for taxes
263 described or referenced in Section 11-51-6, Code of Alabama
264 1975.

265 (d) The vacant property registration ordinance may
266 require that the owner enclose and secure the vacant property
267 within a designated period of time and thereafter to maintain
268 the vacant property to minimum standards required under
269 applicable state law and municipal ordinances and codes or to
270 standards adopted under the vacant property registration
271 ordinance. The ordinance may include authority for the
272 municipality, following notice to the owner, to act to bring
273 the vacant property into compliance with the applicable
274 standards, or otherwise eliminate the public nuisance caused
275 by any noncomplaint conditions; provided, however, that
276 nothing in this section is to be interpreted to impose a duty,
277 obligation, or requirement that a municipality must undertake
278 such repairs, demolition, or maintenance measures which remain
279 as obligations and responsibilities of the owner. Cost of the
280 repairs, demolition, and maintenance and related legal and



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281 administrative costs incurred by the municipality shall be
282 paid by the owner. A vacant property registration ordinance
283 may provide that these costs shall become a lien on the
284 applicable property, upon the recording of a notice of the
285 lien in the probate office, or may be collected in civil
286 proceedings against the owner.

287 Section 9. The provisions of this act shall be
288 supplemental and in pari materia with other laws of the State
289 of Alabama relating to vacant or abandoned property.

290 Section 10. This act shall become effective on October
291 1, 2025.