

HB440 INTRODUCED



1 HB440
2 SSBN557-1
3 By Representatives Brown, Stringer (N & P)
4 RFD: Mobile County Legislation
5 First Read: 18-Mar-25



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 lien~~ which shall be enforceable by sale thereof in the same manner



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

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

(1) Between January 1, 1990~~7~~ and December 28, 1990, ~~such~~the structure was not assessed for taxes in Mobile County.

(2) Between January 1, 1990~~7~~ and December 28, 1990, any homestead exemption was not claimed for ~~such~~the structure in reduction of taxes assessed in Mobile County.

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

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

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

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



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

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

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

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

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

(3) An apartment building.

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

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

Section 2. This act shall become effective on October



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85 1, 2025.