



**House County and Municipal Government Reported
Substitute for HB140**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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9 Relating to county subdivision regulations; to amend
10 Section 11-24-2, Code of Alabama 1975; to limit the period
11 during which a transfer of land to an immediate family member
12 is exempt from subdivision regulations to 24 months; and to
13 make nonsubstantive, technical revisions to update the
14 existing code language to current style.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 11-24-2, Code of Alabama 1975, is
17 amended to read as follows:

18 "§11-24-2

19 (a) It shall be the duty of the owner and developer of
20 each subdivision to ~~have complete~~ all construction ~~completed~~
21 in conformity with this chapter and, prior to beginning any
22 construction or development, to submit the proposed plat to
23 the county commission for approval and to obtain a permit to
24 develop as required in this section. The permit to develop
25 shall be obtained before the actual sale, offering for sale,
26 transfer, or lease of any lots from the subdivision or
27 addition to the public, ~~it~~ and must include a plan to deliver
28 utilities including water, ~~and~~ The permit to develop shall



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29 only be issued upon approval of the proposed plat by the
 30 county commission. As a condition for the issuance of a
 31 permit, the county commission may require any of the following
 32 for approval of the proposed plat:

33 (1) The filing and posting of a reasonable surety bond
 34 with the county commission by the developers of the proposed
 35 subdivisions or proposed additions to guarantee that the
 36 actual construction and installation ~~are in accordance~~ comply
 37 with approved plans for public streets, public roads, drainage
 38 structures, and public utilities.

39 (2) The names and addresses of each adjoining landowner
 40 and utility subject to the notice, as provided in subsection
 41 (b).

42 (3) A permit fee, ~~which~~ that shall not exceed
 43 twenty-five dollars (\$25).

44 (b) No proposed plat shall be approved or disapproved
 45 by the county commission without first being reviewed by the
 46 county engineer or his or her designee. Following the review,
 47 the county engineer or his or her designee shall certify to
 48 the commission whether the proposed plat meets the county's
 49 regulations. If the proposed plat meets the regulations, it
 50 shall be approved by the commission. Should the proposed plat
 51 be determined by the county engineer to be deficient in any
 52 regard, the county engineer shall detail the deficiency to the
 53 county commission along with a recommendation that it be
 54 disapproved. Notice of the ~~recommendation of the engineer~~
 55 engineer's recommendation shall be sent to the owner or
 56 developer whose name and address ~~appears~~ appear on the



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57 submitted proposed plat by registered or certified mail at
58 least 10 days before the recommendation ~~shall be~~ is presented
59 to the county commission for action. A similar notice shall be
60 mailed to the owners of land immediately adjoining the platted
61 land as their names appear ~~upon~~ on the plats in the office of
62 the county tax assessor and as their addresses appear in the
63 directory of the county or on the tax records of the county
64 and to each utility affected ~~thereby~~. Each utility notified in
65 writing by the commission shall be given at least 10 days to
66 review the proposed plat and submit a written report to the
67 commission as to whether all provisions affecting the service
68 to be provided by the utility are reasonable and adequate. If
69 any utility affected by the proposed plat is not properly
70 notified, then the approval or disapproval by the county
71 commission shall not be valid until the affected utility has
72 been given at least 10 days' notice prior to such approval or
73 disapproval, as provided by this subsection.

74 (c) In addition to the foregoing, once the owner or
75 developer of all proposed subdivisions or proposed additions
76 to existing subdivisions of land situated outside the
77 corporate limits of any municipality in the county has met all
78 requirements of the county's regulations, he or she shall
79 submit the final plat of the developed subdivision or addition
80 to the existing subdivision to the county engineer for
81 signature verifying that the subdivision or addition to
82 existing subdivision meets the county's regulations. After the
83 final plat has been signed by the county engineer, ~~it~~ the plat
84 shall be filed for record or received for filing in the office



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85 of the judge of probate. Subject to the penalties set out in
 86 Section 11-24-3, it shall be a violation of this chapter for
 87 the developer to file or to have filed any plat, deed,
 88 property description, or document of property transfer without
 89 full compliance with this section.

90 (d) Notwithstanding the provisions of subsections (a),
 91 (b), and (c), this section shall not apply to the sale, deed,
 92 or transfer of land by the owner to an immediate family
 93 member:~~; except that, in the event that~~ however, any
 94 transaction resulting in the direct sale, deed, or transfer of
 95 land to anyone other than an immediate family member within
 96 24 months of an exempted transfer shall subject the use of
 97 such land to any applicable provisions of the county
 98 subdivision regulations including subsections (a) through (c).
 99 If there is any sale, deed, or transfer of land by the owner
 100 or an immediate family member to someone other than an
 101 immediate family member, this chapter shall then apply to any
 102 subdivision of property as defined in ~~subdivision (4) of~~
 103 ~~subsection (a) of~~ Section 11-24-1."

104 Section 2. This act shall become effective on October
 105 1, 2026.