



**House Jefferson County Legislation Reported
Substitute for HB315**

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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:

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

(2) Vacant properties negatively impact the property rights of neighboring property owners by reducing the value of



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29 surrounding properties, impacting the quality of life of
30 adjacent property owners, increasing the risk of property
31 damage through arson and vandalism, and discouraging
32 neighborhood stability and revitalization.

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

36 (4) Vacant properties require a Class 1 municipality to
37 expend significant monetary and personnel resources and to
38 incur a disproportionate cost to address problems of vacant
39 and abandoned structures, which include, but are not limited
40 to, property inspections, nuisance abatement, fire calls, and
41 police calls.

42 (5) Vacant properties represent unrealized economic
43 growth for a Class 1 municipality.

44 (6) A vacant property registration ordinance would
45 allow a Class 1 municipality to discourage property vacancy,
46 to maintain unoccupied buildings, to provide a database of
47 vacant properties and their owners in order to better ensure
48 compliance with applicable property codes, and to assess fees
49 for the increased public costs associated with vacant
50 properties.

51 (7) Fees imposed under a vacant property registration
52 ordinance have the potential to benefit the owners of vacant
53 properties by helping to finance additional government
54 services by a Class 1 municipality to protect the value and
55 security of such properties.

56 (8) Enactment of a vacant property registration



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57 ordinance is a proper exercise of governmental authority to
58 protect the public health, safety, and welfare of community
59 residents and a valid regulatory scheme.

60 Section 4. The purposes of this act are to promote the
61 health, safety, and welfare of residents in a Class 1
62 municipality by providing authority for a Class 1 municipality
63 to enact a vacant property registration ordinance. The
64 ordinance will allow a Class 1 municipality to identify and
65 register vacant properties, collect fees to compensate for the
66 public costs of vacant properties, plan for the rehabilitation
67 of vacant properties, and encourage the occupancy of vacant
68 properties.

69 Section 5. For purposes of this act the following terms
70 have the following meanings:

71 (1) EVIDENCE OF VACANCY. Any condition or circumstance
72 that on its own or in combination with other conditions or
73 circumstances would lead a reasonable person to believe that a
74 residential building or commercial building is vacant.
75 Conditions or circumstances may include, but are not limited
76 to:

77 a. Overgrown or dead vegetation, including grass,
78 shrubbery, and other plantings;

79 b. An accumulation of abandoned personal property,
80 trash, or other waste;

81 c. Visible deterioration or lack of maintenance of any
82 building or structure on the property;

83 d. Graffiti or other defacement of any building or
84 structure on the property;



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85 e. An absence of legal occupancy or routine legal
86 activity occurring on the property; or

87 f. Any other condition or circumstance reasonably
88 indicating that the property is not occupied for residential
89 purposes or being used for the operation of a lawful business.

90 (2) OWNER. A person who individually or jointly with
91 others:

92 a. Has legal title to the property, with or without
93 actual possession, or who is shown to be the owner or owners
94 of record in the records of the probate office;

95 b. Has charge, care, or control of the property as
96 owner or agent of the owner;

97 c. Is an executor, administrator, trustee, or guardian
98 of the estate of the owner;

99 d. Is the agent of the owner for the purpose of
100 managing, controlling, or collecting rents; or

101 e. Is entitled to control or direct the management or
102 disposition of the property.

103 (3) RESIDENTIAL BUILDING. A house, condominium,
104 townhouse, apartment unit or building, or any other building
105 where the whole building or parts thereof are designed or used
106 as residential dwellings or auxiliary uses to a residential
107 dwelling.

108 (4) VACANT. A residential building or commercial
109 building that is lacking habitual presence of human beings who
110 have a legal right to be on the property, or at which
111 substantially all lawful business operations or residential
112 occupancy has ceased for a period of 90 consecutive days. In



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113 determining whether a property is vacant, a Class 1
114 municipality may consider, among other factors, evidence of
115 vacancy.

116 Section 6. (a) The governing body of a Class 1
117 municipality may adopt a vacant property registration
118 ordinance that establishes a vacant property registration and
119 maintenance program that applies to any type of either
120 residential or commercial buildings, or both, located within
121 the corporate limits of the municipality, except that a vacant
122 property registration ordinance shall not apply to property
123 owned by the federal government, the State of Alabama, any
124 political subdivision thereof, or a public corporation.

125 (b) A vacant property registration ordinance shall
126 create a city-wide vacant property registration database and
127 clearly designate a program administrator.

128 Section 7. (a) Owners of vacant property subject to a
129 vacant property registration ordinance shall register the
130 property with the program administrator within 30 days after
131 the property becomes vacant or within 30 days after assuming
132 ownership of the vacant property, whichever is later, or
133 within 10 days after receipt of notice by the municipality
134 that the property is vacant.

135 (b) A vacant property registration ordinance
136 registration form shall be in either paper or electronic form,
137 and the following information, at a minimum, shall be
138 required:

139 (1) The name, street address, mailing address,
140 telephone number, and, if applicable, the facsimile number and



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141 email address of the property owner and his or her agent who
142 is an individual at least 21 years of age who is designated by
143 the owner as authorized agent for receiving notice of code
144 violations and for receiving process in any court proceeding
145 or administrative enforcement proceeding on behalf of the
146 owner in connection with the enforcement of any applicable
147 law, regulation, or code.

148 (2) The street address and parcel identification number
149 of the vacant property.

150 (3) The transfer date of the instrument conveying the
151 property to the owner.

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

153 (c) (1) A vacant registration ordinance shall require
154 payment of an annual registration fee for each vacant property
155 as follows:

156 a. For residential property, an initial fee of two
157 hundred fifty dollars (\$250), and each year thereafter the fee
158 shall increase by an additional one hundred dollars (\$100),
159 capped at an annual fee of seven hundred fifty dollars (\$750).

160 b. For commercial property, an initial fee of five
161 hundred dollars (\$500), and each year thereafter the fee shall
162 increase by an additional two hundred fifty dollars (\$250),
163 capped at an annual fee of two thousand dollars (\$2,000).

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

167 (3) A vacant property registration ordinance shall
168 provide an exemption for time periods set forth in the



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169 ordinance to the registration and fee requirements for vacant
170 property that is advertised in good faith for sale or lease.

171 (4) A vacant property registration ordinance may
172 provide exemptions to the registration and fee requirements,
173 including, but not limited to, for vacant property:

174 a. Only considered to be a seasonal residence;

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

178 c. Under construction or renovation;

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

181 e. That is subject to divorce, probate, or estate
182 proceedings;

183 f. When the owner or occupant of the vacant property
184 files with the program administrator a detailed statement of
185 the owner or occupant's plans for restoration of the vacant
186 property to productive use and occupancy during the 12-month
187 period following the date when the initial registration of the
188 property would otherwise be due. If the restoration or
189 occupancy of the property has not commenced by the end of the
190 12-month period, the owner or occupant shall be liable for any
191 fee waived. The program administrator may extend the waiver of
192 the registration fee for not more than one additional year in
193 response to a written request by the property owner or
194 occupant where the program administrator finds that compelling
195 conditions outside the owner or occupant's control made it
196 impossible for the owner or occupant to restore the property



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197 within the initial 12-month period; or

198 g. In other situations in which the governing body of
199 the municipality, on a case-by-case basis and upon request by
200 the property owner, determines that an exemption of a vacant
201 property from registration is appropriate upon a finding for
202 good cause shown that the owner or lawful occupant will be
203 unable to occupy the building for a determinant period of
204 time, provided that the property owner or occupant provides a
205 detailed statement of the owner or occupant's plans for
206 restoration of the vacant property to productive use and
207 occupancy during the 12-month period following the date when
208 the initial registration of the property would otherwise be
209 due.

210 (d) A vacant property registration ordinance may
211 require that when the owner of the vacant property resides
212 outside of the state, the owner shall provide the name and
213 address of an individual who resides within the state who is
214 authorized to accept service of process and notices of fees
215 due under this act on behalf of the owner and who is
216 designated as a responsible, local party or agent for the
217 purposes of notification in the event of an emergency
218 affecting the public health, safety, or welfare.

219 Section 8. (a) A vacant property registration ordinance
220 shall:

221 (1) Provide that a subsequent owner or owners of
222 property subject to the ordinance shall assume the obligations
223 of the previous owner or owners;

224 (2) Provide for removal of the property from the vacant



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225 property registration database when the property is no longer
226 vacant;

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

229 (4) Provide that owners have the right to prior notice
230 and to appeal adverse decisions of the municipality or the
231 program administrator. Prior notice shall be sent by certified
232 mail to the registered owner at the address maintained in the
233 probate office or according to the records of the tax assessor
234 or revenue commissioner, if different, at least 10 days prior
235 to the adverse decision.

236 (b) A vacant property registration ordinance may allow
237 the program administrator or his or her designee to inspect
238 the interior and exterior of the vacant property upon
239 registration and at one--year intervals thereafter or more
240 frequently if necessary to protect public health and safety,
241 for so long as the property remains on the vacant property
242 registration database.

243 (c) A vacant property registration ordinance may
244 provide for municipal fines for failure to comply with its
245 requirements. A municipality may enforce the collection of
246 vacant property registration fees by civil action in any court
247 of competent jurisdiction. Unpaid vacant property registration
248 fees and unpaid fines for any violation of a vacant property
249 registration ordinance shall become a lien on the applicable
250 property upon the recording of a notice of the lien in the
251 probate office. The lien created under this subsection shall
252 be superior to all other liens, except those liens for taxes



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253 described or referenced in Section 11-51-6, Code of Alabama
254 1975.

255 (d) The vacant property registration ordinance may
256 require that the owner enclose and secure the vacant property
257 within a designated period of time and thereafter to maintain
258 the vacant property to minimum standards required under
259 applicable state law and municipal ordinances and codes or to
260 standards adopted under the vacant property registration
261 ordinance. The ordinance may include authority for the
262 municipality, following notice to the owner, to act to bring
263 the vacant property into compliance with the applicable
264 standards, or otherwise eliminate the public nuisance caused
265 by any noncomplaint conditions; provided, however, that
266 nothing in this section is to be interpreted to impose a duty,
267 obligation, or requirement that a municipality must undertake
268 such repairs, demolition, or maintenance measures which remain
269 as obligations and responsibilities of the owner. Cost of the
270 repairs, demolition, and maintenance and related legal and
271 administrative costs incurred by the municipality shall be
272 paid by the owner. A vacant property registration ordinance
273 may provide that these costs shall become a lien on the
274 applicable property, upon the recording of a notice of the
275 lien in the probate office, or may be collected in civil
276 proceedings against the owner.

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

280 Section 10. This act shall become effective on October



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281 1, 2026.