

HB119 ENROLLED



1 HB119
2 3PHW5ZV-2
3 By Representative Brown (N & P)
4 RFD: Mobile County Legislation
5 First Read: 13-Jan-26
6 PFD: 06-Jan-26



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1 Enrolled, An Act,

2 Relating to Mobile County; to amend Section
3 45-49-140.10, Code of Alabama 1975, to further provide for the
4 collection of fire service fees to maintain firefighting
5 districts by providing a definition for "residence"; and to
6 make other, nonsubstantive changes to update the code language
7 to existing style.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 45-49-140.10, Code of Alabama 1975,
10 is amended to read as follows:

11 "§45-49-140.10

12 (a) The expense of establishing and maintaining a
13 district shall be paid for by the proceeds of a service charge
14 ~~which that~~ shall be levied and collected in an amount
15 sufficient to pay the expense. The service charge shall be
16 levied upon and collected from persons and properties served
17 by the system. ~~Such~~The charge shall be a personal obligation
18 of the owner of the property served by the system, and to
19 secure the collection of the charge there shall be a lien
20 against the property in favor of the district, ~~which lien~~
21 which shall be enforceable by sale thereof in the same manner
22 in which the foreclosure of a municipal assessment for public
23 improvements is authorized.

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



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

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

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

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

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

48 b. An agreement that any service charges imposed with
49 respect to future construction on the property shall
50 constitute a lien upon the entire property located within the
51 district, including the property upon which the residence is
52 ~~situated~~located.

53 (c) Subsection (b) may be applied retroactively in
54 respect of unpaid service charges if: ~~(1)~~(i) in the opinion of
55 the board of trustees the waiving of previously imposed
56 service charges will have no significant impact on the



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57 financial viability of the district; and ~~(2)~~ (ii) the district
58 has long term debt outstanding, the aggregate amount of which
59 is such that retroactive waiver for all properties covered by
60 subsection (b) is no more than one-tenth of one percent of the
61 amount of ~~such~~ the long-term ~~long-term~~ debt then outstanding.

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

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

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

70 (3) An apartment building.

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

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

77 Section 2. This act shall become effective on October
78 1, 2026.

