

HB140 ENROLLED



1 HB140
2 2JVTPKS-3
3 By Representative Sells
4 RFD: County and Municipal Government
5 First Read: 13-Jan-26
6 PFD: 09-Jan-26



HB140 Enrolled

Enrolled, An Act,

Relating to county subdivision regulations; to amend Section 11-24-2, Code of Alabama 1975; to limit the period during which a transfer of land to an immediate family member is exempt from subdivision regulations to 24 months; to exempt counties where local law requires division of land by recorded plat; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-24-2

(a) It shall be the duty of the owner and developer of each subdivision to ~~have complete~~ all construction ~~completed~~ in conformity with this chapter and, prior to beginning any construction or development, to submit the proposed plat to the county commission for approval and to obtain a permit to develop as required in this section. The permit to develop shall be obtained before the actual sale, offering for sale, transfer, or lease of any lots from the subdivision or addition to the public, ~~it~~ and must include a plan to deliver utilities including water. ~~and~~ The permit to develop shall only be issued upon approval of the proposed plat by the county commission. As a condition for the issuance of a permit, the county commission may require any of the following for approval of the proposed plat:

(1) The filing and posting of a reasonable surety bond



HB140 Enrolled

with the county commission by the developers of the proposed subdivisions or proposed additions to guarantee that the actual construction and installation ~~are in accordance~~ comply with approved plans for public streets, public roads, drainage structures, and public utilities.

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

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

(b) No proposed plat shall be approved or disapproved by the county commission without first being reviewed by the county engineer or his or her designee. Following the review, the county engineer or his or her designee shall certify to the commission whether the proposed plat meets the county's regulations. If the proposed plat meets the regulations, it shall be approved by the commission. Should the proposed plat be determined by the county engineer to be deficient in any regard, the county engineer shall detail the deficiency to the county commission along with a recommendation that it be disapproved. Notice of the ~~recommendation of the engineer~~ engineer's recommendation shall be sent to the owner or developer whose name and address ~~appears~~ appear on the submitted proposed plat by registered or certified mail at least 10 days before the recommendation ~~shall be~~ is presented to the county commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear ~~upon~~ on the plats in the office of



HB140 Enrolled

the county tax assessor and as their addresses appear in the directory of the county or on the tax records of the county and to each utility affected ~~thereby~~. Each utility notified in writing by the commission shall be given at least 10 days to review the proposed plat and submit a written report to the commission as to whether all provisions affecting the service to be provided by the utility are reasonable and adequate. If any utility affected by the proposed plat is not properly notified, then the approval or disapproval by the county commission shall not be valid until the affected utility has been given at least 10 days' notice prior to such approval or disapproval, as provided by this subsection.

(c) In addition to the foregoing, once the owner or developer of all proposed subdivisions or proposed additions to existing subdivisions of land situated outside the corporate limits of any municipality in the county has met all requirements of the county's regulations, he or she shall submit the final plat of the developed subdivision or addition to the existing subdivision to the county engineer for signature verifying that the subdivision or addition to existing subdivision meets the county's regulations. After the final plat has been signed by the county engineer, ~~it~~ the plat shall be filed for record or received for filing in the office of the judge of probate. Subject to the penalties set out in Section 11-24-3, it shall be a violation of this chapter for the developer to file or to have filed any plat, deed, property description, or document of property transfer without full compliance with this section.



HB140 Enrolled

(d) Notwithstanding the provisions of subsections (a), (b), and (c), this section shall not apply to the sale, deed, or transfer of land by the owner to an immediate family member; ~~except that, in the event that~~ however, except in counties where local law requires the division of land to be made by recorded plat, any transaction resulting in the direct sale, deed, or transfer of land to anyone other than an immediate family member within 24 months of an exempted interfamily transfer shall subject the use of such land to any applicable provisions of the county subdivision regulations including subsections (a) through (c). If there is any sale, deed, or transfer of land by the owner or an immediate family member to someone other than an immediate family member, this chapter shall then apply to any subdivision of property as defined in ~~subdivision (4) of subsection (a) of~~ Section 11-24-1."

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



HB140 Enrolled

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 20-Jan-26, as amended.

John Treadwell
Clerk

Senate

03-Feb-26

Amended and Passed

House

03-Feb-26

Concurred in Senate
Amendment