

**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



1      Enrolled, An Act,

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

10     BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13               "§11-24-2

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

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



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

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

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

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



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

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



(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."



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111 Speaker of the House of Representatives

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116 President and Presiding Officer of the Senate

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119 House of Representatives

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

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John Treadwell  
Clerk

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131 Senate	<b>03-Feb-26</b>	Amended and Passed
132 House	<b>03-Feb-26</b>	Concurred in Senate Amendment
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