

HB140 INTRODUCED



1 HB140
2 2JUG1KS-1
3 By Representative Sells
4 RFD: County and Municipal Government
5 First Read: 13-Jan-26
6 PFD: 09-Jan-26



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4 SYNOPSIS:

5 Under existing law, each county may adopt
6 regulations for the construction and development of
7 subdivisions within the county.

8 Also under existing law, transfers of land from
9 developers to their immediate family members are exempt
10 from certain regulations governing the submission,
11 approval, and permitting of subdivision plats. This
12 bill would require this family member exception to
13 expire after 24 months from the date of such transfers.

14 This bill would also make nonsubstantive,
15 technical revisions to update the existing code
16 language to current style.

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19 A BILL
20 TO BE ENTITLED
21 AN ACT

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



29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

32 "§11-24-2

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

47 (1) The filing and posting of a reasonable surety bond
48 with the county commission by the developers of the proposed
49 subdivisions or proposed additions to guarantee that the
50 actual construction and installation ~~are in accordance~~ comply
51 with approved plans for public streets, public roads, drainage
52 structures, and public utilities.

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

56 (3) A permit fee, ~~which~~ that shall not exceed



57 twenty-five dollars (\$25).

58 (b) No proposed plat shall be approved or disapproved
59 by the county commission without first being reviewed by the
60 county engineer or his or her designee. Following the review,
61 the county engineer or his or her designee shall certify to
62 the commission whether the proposed plat meets the county's
63 regulations. If the proposed plat meets the regulations, it
64 shall be approved by the commission. Should the proposed plat
65 be determined by the county engineer to be deficient in any
66 regard, the county engineer shall detail the deficiency to the
67 county commission along with a recommendation that it be
68 disapproved. Notice of the ~~recommendation of the engineer~~
69 engineer's recommendation shall be sent to the owner or
70 developer whose name and address ~~appears~~ appear on the
71 submitted proposed plat by registered or certified mail at
72 least 10 days before the recommendation ~~shall be~~ is presented
73 to the county commission for action. A similar notice shall be
74 mailed to the owners of land immediately adjoining the platted
75 land as their names appear ~~upon~~ on the plats in the office of
76 the county tax assessor and as their addresses appear in the
77 directory of the county or on the tax records of the county
78 and to each utility affected ~~thereby~~. Each utility notified in
79 writing by the commission shall be given at least 10 days to
80 review the proposed plat and submit a written report to the
81 commission as to whether all provisions affecting the service
82 to be provided by the utility are reasonable and adequate. If
83 any utility affected by the proposed plat is not properly
84 notified, then the approval or disapproval by the county



85 commission shall not be valid until the affected utility has
86 been given at least 10 days' notice prior to such approval or
87 disapproval, as provided by this subsection.

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

104 (d) Notwithstanding the provisions of subsections (a),
105 (b), and (c), this section shall not apply to the sale, deed,
106 or transfer of land by the owner to an immediate family
107 member ~~i, except that, in the event that~~ however, any
108 transaction resulting in the direct sale, deed, or transfer of
109 land occurring within 24 months of the transfer shall be
110 subject to the county subdivision regulations including
111 subsections (a) through (c). If there is any sale, deed, or
112 transfer of land by the owner or an immediate family member to



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113 someone other than an immediate family member, this chapter
114 shall then apply to any subdivision of property as defined in
115 ~~subdivision (4) of subsection (a) of~~ Section 11-24-1."

116 Section 2. This act shall become effective on October
117 1, 2026.