

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



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.

17
18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
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.



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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 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



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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



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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.

(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, any transaction resulting in the direct sale, deed, or transfer of land occurring within 24 months of the transfer shall be subject to 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



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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.