

HB315 ENROLLED



1 HB315
2 ZQN52WK-2
3 By Representatives Moore (M), Tillman, Givan, Sellers, Datcher
4 (N & P)
5 RFD: Jefferson County Legislation
6 First Read: 22-Jan-26



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1 Enrolled, An Act,

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3 Relating to vacant real property located in a Class 1
4 municipality; to authorize the governing body of a Class 1
5 municipality to enact and enforce vacant property registration
6 ordinances.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. This act shall apply only to a Class 1
9 municipality.

10 Section 2. The provisions of this act shall apply in
11 any Class 1 municipality that adopts an ordinance to be
12 applicable to the registration of vacant property in the
13 municipality.

14 Section 3. The Legislature finds and declares all of
15 the following:

16 (1) Vacant properties create numerous problems in a
17 Class 1 municipality, including a propensity to foster
18 criminal activity, create blight and blighting conditions,
19 create public health problems, and otherwise diminish quality
20 of life for residents and business operators in the
21 surrounding area.

22 (2) Unkempt vacant properties negatively impact the
23 property rights of neighboring property owners by reducing the
24 value of surrounding properties, impacting the quality of life
25 of adjacent property owners, increasing the risk of property
26 damage through arson and vandalism, and discouraging
27 neighborhood stability and revitalization.

28 (3) Unkempt vacant properties require a Class 1



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29 municipality to expend significant monetary and personnel
30 resources and to incur a disproportionate cost to address
31 problems of vacant and abandoned structures, which include,
32 but are not limited to, property inspections, nuisance
33 abatement, fire calls, and police calls.

34 (4) Vacant properties represent unrealized economic
35 growth for a Class 1 municipality.

36 (5) A vacant property registration ordinance would
37 allow a Class 1 municipality to better monitor property
38 blight, to maintain unoccupied buildings, to provide a
39 database of vacant properties and their owners in order to
40 better ensure compliance with applicable property codes, and
41 to assess fees for the increased public costs associated with
42 vacant properties.

43 (6) Fees imposed under a vacant property registration
44 ordinance have the potential to benefit the owners of vacant
45 properties by helping to finance additional government
46 services by a Class 1 municipality to protect the value and
47 security of such properties.

48 (7) Enactment of a vacant property registration
49 ordinance is a proper exercise of governmental authority to
50 protect the public health, safety, and welfare of community
51 residents and a valid regulatory scheme.

52 Section 4. The purposes of this act are to promote the
53 health, safety, and welfare of residents in a Class 1
54 municipality by providing authority for a Class 1 municipality
55 to enact a vacant property registration ordinance. The
56 ordinance will allow a Class 1 municipality to identify and



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57 register vacant properties, collect fees to compensate for the
58 public costs of vacant properties, plan for the rehabilitation
59 of vacant properties, and encourage the occupancy of vacant
60 properties.

61 Section 5. For purposes of this act, the following
62 terms have the following meanings:

63 (1) COMMERCIAL BUILDING. Any building or structure, or
64 portion thereof, that is used or designed to be used primarily
65 for business, commercial, industrial, mercantile, office,
66 professional, warehousing, storage, lodging, or retail
67 purposes. A building containing both residential and
68 nonresidential uses shall be considered a commercial building
69 only with respect to the nonresidential portion of the
70 building.

71 (2) EVIDENCE OF UNKEMPT VACANCY. Any of the following:

72 a. Overgrown or dead vegetation, including grass,
73 shrubbery, and other plantings.

74 b. An accumulation of abandoned personal property,
75 trash, or other waste.

76 c. Visible deterioration or lack of maintenance of any
77 building or structure on the property.

78 d. Graffiti or other defacement of any building or
79 structure on the property.

80 e. Broken windows, doors, or other access points
81 indicating the property is not secure from the public or the
82 elements.

83 (3) OWNER. A person who individually or jointly with
84 others:



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85 a. Has legal title to the property, with or without
86 actual possession, or who is shown to be the owner or owners
87 of record in the records of the probate office;

88 b. Has charge, care, or control of the property as
89 owner or agent of the owner; or

90 c. Is an executor, administrator, trustee, or guardian
91 of the estate of the owner.

92 (4) RESIDENTIAL BUILDING. A house, condominium,
93 townhouse, or any other building where the whole building or
94 significant parts of the building are designed or used as
95 residential dwellings.

96 (5) VACANT. A residential building or commercial
97 building that is lacking habitual presence of human beings who
98 have a legal right to be on the property, or at which
99 substantially all lawful business operations, construction
100 operations, or residential occupancy has ceased for a period
101 of 90 consecutive days and there exists evidence of unkempt
102 vacancy, provided: (i) an owner-occupied. single-family home
103 shall not be deemed to be vacant if it has been used on a
104 regular basis by the owner as a second residence or the owner
105 intends to resume residing at the property and it is otherwise
106 maintained in a manner that does not render substantial or
107 persistent evidence of unkempt vacancy; (ii) the term "vacant"
108 shall not include a residential building or commercial
109 building containing multiple units with common ownership which
110 has at least one unit occupied with evidence of utility usage;
111 and (iii) any multiunit residential building or commercial
112 building shall not be deemed to be vacant if the building is



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113 actively being marketed for sale or lease, as evidenced by the
114 existence of an in-force real estate listing agreement or
115 reasonable evidence of other active marketing efforts
116 consistent with the nature of the property.

117 Section 6. (a) The governing body of a Class 1
118 municipality may adopt a vacant property registration
119 ordinance that establishes a vacant property registration and
120 maintenance program that applies to any type of residential or
121 commercial buildings, or both, located within the corporate
122 limits of the municipality, except that a vacant property
123 registration ordinance shall not apply to property owned by
124 the federal government, the State of Alabama, any political
125 subdivision thereof, or a public corporation.

126 (b) A vacant property registration ordinance shall
127 create a citywide vacant property registration database and
128 clearly designate a program administrator.

129 Section 7. (a) A vacant property registration ordinance
130 may provide that, subject to the exemptions provided in this
131 act, owners of vacant property shall register the property
132 with the program administrator within the later of: (i) 30
133 days after the property is deemed vacant; (ii) 30 days after
134 assuming ownership of the deemed vacant property; or (iii) 90
135 days after assuming ownership by foreclosure or deed in lieu
136 of foreclosure of the deemed vacant property or by the first
137 subsequent transferee after the vacant property has been
138 acquired by foreclosure or deed in lieu of foreclosure.

139 (b) The program administrator shall provide written
140 notice to the owner and any lienholder with respect to what



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141 the program administrator believes to be a vacant property
142 advising the owner that it appears to be delinquent with
143 respect to vacant property registration and post a prominent
144 placard, of a size of at least 24" x 24" on a street-facing
145 side of the alleged vacant building, stating that the building
146 may be subject to registration as a vacant property and
147 providing contact information for the program administrator.
148 The program administrator shall use commercially reasonable
149 diligence to identify the owner and any lienholders of the
150 vacant property.

151 (c) A vacant property registration form shall be in
152 either paper or electronic form, and the following
153 information, at a minimum, shall be required:

154 (1) The name, street address, mailing address,
155 telephone number, and, if applicable, facsimile number and
156 email address of the property owner and his or her agent who
157 is an individual at least 19 years of age, or an entity
158 domiciled in Alabama that is designated by the owner as
159 authorized agent for receiving notice of code violations and
160 for receiving process in any court proceeding or
161 administrative proceeding on behalf of the owner in connection
162 with the enforcement of any applicable law, regulation, or
163 code. If the property owner is not a resident of the state,
164 the ordinance may provide that it is mandatory for the
165 property owner to either: (i) provide the name of an agent to
166 receive notices who is a resident of the state or an entity
167 domiciled in Alabama; or (ii) submit to jurisdiction of the
168 courts of the State of Alabama in form and content reasonably



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169 satisfactory to the program administrator.

170 (2) The street address of the vacant property.

171 (3) The period of time the property is expected to be
172 vacant.

173 (4) The date on which the property became vacant.

174 (5) The names and addresses of all known lienholders or
175 the servicing representatives of the lienholders.

176 (6) Such other information as reasonably deemed
177 necessary by the program administrator to process the
178 registration.

179 (d) (1) A vacant property registration ordinance shall
180 require payment of an annual registration fee for each vacant
181 property as follows:

182 a. An initial fee not to exceed two hundred fifty
183 dollars (\$250).

184 b. For subsequent years, a fee not to exceed 150
185 percent of the fee from the previous year, with a cap of one
186 thousand dollars (\$1,000).

187 (2) Registration fees may be refundable on a prorated
188 basis for the year preceding the date on which the property is
189 no longer vacant.

190 (3) A vacant property registration ordinance shall
191 provide an exemption for time periods set forth in the
192 ordinance to the registration and fee requirements for vacant
193 property that is advertised in good faith for sale or lease on
194 commercially reasonable terms.

195 (4) A vacant property registration ordinance shall
196 provide exemptions to the registration and fee requirements,



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197 including, but not limited to, for vacant property:

198 a. Only considered to be a seasonal residence;

199 b. Damaged by fire, weather, an act of God, or
200 vandalism, and the owner demonstrates his or her intent to
201 repair or renovate;

202 c. Under construction or renovation;

203 d. Where the owner is temporarily absent but who has
204 demonstrated his or her intent to return;

205 e. For a reasonable period of time not to exceed 24
206 months, that is subject to divorce, probate, or estate
207 proceedings in the state;

208 f. When the owner or occupant of the vacant property
209 files with the program administrator a statement of the owner
210 or occupant's plans for restoration of the vacant property to
211 productive use and occupancy during the 12-month period
212 following the date when the initial registration of the
213 property would otherwise be due. If the restoration or
214 occupancy of the property has not commenced by the end of the
215 12-month period, the owner or occupant shall be liable for any
216 fee waived. The program administrator may extend the waiver of
217 the registration fee for not more than one additional year in
218 response to a written request by the property owner or
219 occupant where the program administrator finds that conditions
220 outside the owner or occupant's control significantly impeded
221 the active efforts of the owner or occupant to restore the
222 property within the initial 12-month period; or

223 g. In other situations in which the governing body of
224 the municipality, on a case-by-case basis and upon request by



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225 the property owner, determines that an exemption of a vacant
226 property from registration is appropriate upon a finding for
227 good cause shown that the owner or lawful occupant will be
228 unable to occupy the building for a determinant period of
229 time, provided that the property owner or occupant provides a
230 detailed statement of the owner or occupant's plans for
231 restoration of the vacant property to productive use and
232 occupancy during the 12-month period following the date when
233 the initial registration of the property would otherwise be
234 due.

235 (e) A vacant property registration ordinance may
236 require that when the owner of the vacant property resides
237 outside of the state, the owner shall provide the name and
238 address of an individual who: (i) resides within the state;
239 (ii) is authorized to accept service of process and notices of
240 fees due under this act on behalf of the owner; and (iii) is
241 designated as a responsible, local party or agent for the
242 purposes of notification in the event of an emergency
243 affecting the public health, safety, or welfare.

244 Section 8. (a) A vacant property registration ordinance
245 shall:

246 (1) Provide that a subsequent owner or owners of
247 property who are not related by blood or marriage to the prior
248 owner and who purchase in good faith for value or who
249 foreclose on the property or acquire the property by deed in
250 lieu of foreclosure shall assume the obligations of the
251 previous owner or owners;

252 (2) Provide for removal of the property from the vacant



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253 property registration database when the property is no longer
254 vacant;

255 (3) Require submission of an owner plan for restoration
256 and occupancy of the property;

257 (4) Provide that owners have the right to prior notice
258 and to appeal adverse decisions of the municipality or the
259 program administrator or to appeal the interpretations or
260 application of the ordinance, including its consistency with
261 this act. Prior notice shall be sent by certified mail to the
262 registered owner at the address maintained in the probate
263 office or according to the records of the tax assessor or
264 revenue commissioner, if different, at least 10 days prior to
265 the adverse decision; and

266 (5) Provide that any appeal of a violation or fine
267 issued pursuant to this act shall be filed with the division
268 of the municipal court in the Class 1 municipality which
269 handles all code violations. Any adverse decision from the
270 municipal court may be appealed, within 30 days, to the
271 applicable circuit court. The costs of appeal shall be paid by
272 the non-prevailing party.

273 (b) To determine compliance with the ordinance and any
274 applicable building codes, a vacant property registration
275 ordinance may allow the program administrator or his or her
276 designee to inspect the interior and exterior of a vacant
277 property upon at least 10 days' prior notice to the owner
278 after registration is effected or otherwise required, and at
279 one-year intervals thereafter for so long as the property
280 remains on the vacant property registration database.



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281 (c) A vacant property registration ordinance may
282 provide for municipal fines not to exceed one thousand dollars
283 (\$1,000) per violation for failure to comply with ordinance
284 requirements. A municipality may enforce the collection of
285 vacant property registration fees by civil action in any court
286 of competent jurisdiction. Unpaid vacant property registration
287 fees and unpaid fines for any violation of a vacant property
288 registration ordinance shall become a lien on the applicable
289 real property, but only upon the recording of a notice of the
290 lien in the probate office.

291 (d) The vacant property registration ordinance may
292 require that the owner enclose and secure the vacant property
293 within a designated period of time and thereafter to maintain
294 the vacant property to minimum standards required under
295 applicable state law and municipal ordinances and codes or to
296 lesser standards adopted under the vacant property
297 registration ordinance. The ordinance may include authority
298 for the municipality, following at least 30 days' notice to
299 the owner, to act to bring the vacant property into compliance
300 with the applicable standards, or otherwise eliminate the
301 public nuisance caused by any noncompliant conditions;
302 provided, however, that nothing in this section is to be
303 interpreted to impose a duty, obligation, or requirement that
304 a municipality must undertake such repairs, demolition, or
305 maintenance measures which remain as obligations and
306 responsibilities of the owner. Reasonable costs of the
307 repairs, demolition, and maintenance incurred by the
308 municipality shall be paid by the owner. A vacant property



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309 registration ordinance may provide that these costs shall
310 become a lien on the applicable property, but only upon the
311 recording of a notice of the lien in the probate office, or
312 may be collected in civil proceedings against the owner.

313 (e) Any lien created under this section shall be
314 subordinate to all other liens, including prior mortgages,
315 fixture filings, mechanic's and materialman's liens, and those
316 liens for taxes described or referenced in Section 11-51-6,
317 Code of Alabama 1975. Not in derogation of the foregoing or
318 other protections for good faith purchasers, the municipality
319 may release any liens or waive any accrued fees or fines in
320 the case of the transfer of the vacant property to a good
321 faith purchaser.

322 Section 9. The provisions of this act shall be
323 supplemental and in pari materia with other laws of the State
324 of Alabama relating to vacant or abandoned property.

325 Section 10. This act shall become effective on October
326 1, 2026.



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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 17-Mar-26, as amended.

John Treadwell
Clerk

Senate	07-Apr-26	Amended and Passed
House	07-Apr-26	Concurred in Senate Amendment