

## HB80 INTRODUCED



1 HB80  
2 3PHFPEZ-1  
3 By Representative Butler  
4 RFD: Judiciary  
5 First Read: 13-Jan-26  
6 PFD: 17-Dec-25



## 4 SYNOPSIS:

5 Existing law does not require tenants who are  
6 being evicted to be informed about the disposition of  
7 personal property remaining on the premises after the  
8 eviction. In addition, existing law does not set out a  
9 sheriff's or constable's duties during the execution of  
10 a writ of possession.

11 This bill would require notice be provided to a  
12 tenant during the eviction process regarding personal  
13 property left behind.

14 This bill would provide civil immunity for  
15 landlords and officers for damage to a tenant's  
16 personal property while executing a writ of possession.

17 This bill would also make nonsubstantive,  
18 technical revisions to update the existing code  
19 language to current style.

22 A BILL

23 TO BE ENTITLED

24 AN ACT

25  
26 Relating to evictions; to amend Section 6-6-332, Code  
27 of Alabama 1975, and to add Section 6-6-338 to the Code of  
28 Alabama 1975; to provide certain notices to a tenant during



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the eviction process; to establish the duties of a sheriff or constable during the execution of a writ of possession; to remove civil liability of officers and others for damages relating to execution of a writ of possession; 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 6-6-332, Code of Alabama 1975, is amended to read as follows:

"§6-6-332

(a) Upon complaint being made, the district judge shall issue a notice to the party against whom the complaint is made to the following effect:

The State of Alabama,

\_\_\_\_\_ County.

To \_\_\_\_\_

You are hereby commanded to be and appear before me, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_, to answer to, and make defense against a complaint exhibited to me against you by \_\_\_\_\_, for a forcible entry and detainer (or for unlawful detainer, as the case may be).

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_.

\_\_\_\_\_ District Court Judge

(b) The notice shall contain the following language:

"EVICTION NOTICE. You are being sued for eviction. At the eviction hearing, the judge will determine if the landlord is entitled to possession of your rental unit. If the landlord is granted possession of the rental unit, then you will have



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at least seven days from the date of the judgment to move out or appeal the eviction. If you move out by the date ordered by the court and leave personal property behind, the landlord may dispose of such abandoned property without further notice. If you do not move out by the date and time ordered by the court, the landlord may have you removed by law enforcement and the landlord may remove any personal property remaining on the premises to the curb or an area designated for garbage. The landlord will have no obligation to preserve the personal property upon removal."

(c) The notice shall be served on the defendant at least six days before the return day of the process and may be served on the defendant anywhere within the state. The return of the service ~~thereof~~ by any sheriff or constable of the state is sufficient proof of service. ~~, or proof of the fact may be made before the judge.~~ Alternatively, proof of service may be presented to the judge. A copy of the notice shall be personally served upon the defendant. If the sheriff or constable is unable to serve the defendant personally, service may be had by delivering the notice to any ~~person who is sui juris~~ competent adult residing on the premises, ~~or if.~~ If, after reasonable effort, ~~no person~~ individual is found residing on the premises, service may be made by posting a copy of the notice on the door of the premises, ~~and on.~~ On the same day of posting or by the close of the next business day, the sheriff, the constable, the person filing the complaint, or anyone on behalf of the person, shall mail a copy of the notice of the filing of the unlawful detainer action by



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~~enclosing, directing, stamping, and mailing by first class~~  
~~first-class mail a copy of the notice~~ to the defendant at the  
mailing address of the premises. ~~and if~~ If there is no mailing  
address for the premises, notice shall be mailed by  
first-class mail to the last known address, if any, of the  
defendant and ~~making an entry of this action~~ shall be  
disclosed on the affidavit filed in the case. Service of the  
notice by posting shall be complete as of the date of mailing  
the notice.

~~(e)~~ (d) Upon complaint being made and upon request of  
the plaintiff to have the notice served on the defendant by a  
process server other than a sheriff or constable, the court  
shall, if the process server is qualified under Rule 4-~~1~~  
~~(b)~~ ~~(2)~~ of the Alabama Rules of Civil Procedure, order the  
clerk to deliver the notice to the process server for  
service."

Section 2. Section 6-6-338 is added to the Code of  
Alabama 1975, to read as follows:

### §6-6-338

(a) An officer authorized to execute a writ of  
possession issued pursuant to Section 6-6-337 shall post a  
written warning of at least 8 1/2 by 11 inches on the exterior  
of the front door of the rental unit notifying the tenant that  
the writ has been issued and that the writ will be executed on  
or after a specific date and time stated in the warning, which  
date is not sooner than 24 hours after the warning is posted.

(b) Upon execution of the writ, the officer shall:

(1) Instruct the tenant and all individuals occupying



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the property to leave the premises immediately;

(2) Keep the peace while the plaintiff, owner, landlord, or their authorized agent of the plaintiff, owner, or landlord, changes the locks and removes the personal property of the unlawful occupants from the premises to the curb or property line; and

(3) If the tenant or other individuals on the property fail to comply, physically remove them from the premises.

(c) An officer may use reasonable force in executing a writ under this section.

(d) The following persons are immune from any claim that seeks to impose civil liability for damages to the defendant or the defendant's property resulting from the execution of a writ under this section:

(1) Any officer or individual acting under the officer's supervision who executes the writ in good faith and with reasonable diligence.

(2) The plaintiff, owner, or landlord for whom the writ was issued.

(3) Any agent of the plaintiff, owner, or landlord for whom the writ was issued.

(e) A person described in subsection (d) does not have a duty to store or protect the tenant's property during or after execution of the writ of possession and may dispose of any property remaining on the premises after execution without further notice or legal liability.

Section 3. This act shall become effective on June 1, 2026.