



House Judiciary Reported Substitute for HB80

A BILL
TO BE ENTITLED
AN ACT

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



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_____ 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 at least seven calendar 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. The landlord will have no obligation to preserve the personal property upon removal. 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, special process server, or constable of the state is sufficient proof of service. ~~or~~

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~~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, special process server, or constable is unable to
serve the defendant personally, service may be had by
delivering the notice to any person who is sui juris 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 ~~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.

~~(c)~~ (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

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85 service."

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

88 §6-6-338

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

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

97 (1) Instruct the tenant and all individuals occupying
98 the property to leave the premises immediately;

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

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

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

108 (d) The following persons are immune from any claim
109 that seeks to impose civil liability for damages to the
110 defendant's property resulting from the execution of a writ in
111 a reasonable manner:

112 (1) Any officer or individual acting under the



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113 officer's supervision and within the line and scope of his or
114 her duties who executes the writ issued by the district court.

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

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

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

124 Section 3. This act shall become effective on June 1,
125 2026.