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SYNOPSIS:

Relating to Class 1 municipalities; to authorize a Class 1 municipality to enact by ordinance provisions for vacant real property registration; to require a fee for the registration of vacant properties; and to enact and enforce maintenance standards for vacant properties.

A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Section 2. The provisions of this act shall apply in



29 any Class 1 municipality that adopts an ordinance to be  
30 applicable to the registration of vacant property in the  
31 municipality.

32 Section 3. The Legislature finds and declares all of  
33 the following:

34 (1) Vacant properties create numerous problems in a  
35 Class 1 municipality, including a propensity to foster  
36 criminal activity, create blight and blighting conditions,  
37 create public health problems, and otherwise diminish quality  
38 of life for residents and business operators in the  
39 surrounding area.

40 (2) Unkempt vacant properties negatively impact the  
41 property rights of neighboring property owners by reducing the  
42 value of surrounding properties, impacting the quality of life  
43 of adjacent property owners, increasing the risk of property  
44 damage through arson and vandalism, and discouraging  
45 neighborhood stability and revitalization.

46 (3) Unkempt vacant properties require a Class 1  
47 municipality to expend significant monetary and personnel  
48 resources and to incur a disproportionate cost to address  
49 problems of vacant and abandoned structures, which include,  
50 but are not limited to, property inspections, nuisance  
51 abatement, fire calls, and police calls.

52 (4) Vacant properties represent unrealized economic  
53 growth for a Class 1 municipality.

54 (5) A vacant property registration ordinance would  
55 allow a Class 1 municipality to better monitor property  
56 blight, to maintain unoccupied buildings, to provide a



57 database of vacant properties and their owners in order to  
58 better ensure compliance with applicable property codes, and  
59 to assess fees for the increased public costs associated with  
60 vacant properties.

61 (6) Fees imposed under a vacant property registration  
62 ordinance have the potential to benefit the owners of vacant  
63 properties by helping to finance additional government  
64 services by a Class 1 municipality to protect the value and  
65 security of such properties.

66 (7) Enactment of a vacant property registration  
67 ordinance is a proper exercise of governmental authority to  
68 protect the public health, safety, and welfare of community  
69 residents and a valid regulatory scheme.

70 Section 4. The purposes of this act are to promote the  
71 health, safety, and welfare of residents in a Class 1  
72 municipality by providing authority for a Class 1 municipality  
73 to enact a vacant property registration ordinance. The  
74 ordinance will allow a Class 1 municipality to identify and  
75 register vacant properties, collect fees to compensate for the  
76 public costs of vacant properties, plan for the rehabilitation  
77 of vacant properties, and encourage the occupancy of vacant  
78 properties.

79 Section 5. For purposes of this act, the following  
80 terms have the following meanings:

81 (1) COMMERCIAL BUILDING. Any building or structure, or  
82 portion thereof, that is used or designed to be used primarily  
83 for business, commercial, industrial, mercantile, office,  
84 professional, warehousing, storage, lodging, or retail



85 purposes. A building containing both residential and  
86 nonresidential uses shall be considered a commercial building  
87 only with respect to the nonresidential portion of the  
88 building.

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

90 a. Overgrown or dead vegetation, including grass,  
91 shrubbery, and other plantings.

92 b. An accumulation of abandoned personal property,  
93 trash, or other waste.

94 c. Visible deterioration or lack of maintenance of any  
95 building or structure on the property.

96 d. Graffiti or other defacement of any building or  
97 structure on the property.

98 e. Broken windows, doors, or other access points  
99 indicating the property is not secure from the public or the  
100 elements.

101 (3) OWNER. A person who individually or jointly with  
102 others:

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

106 b. Has charge, care, or control of the property as  
107 owner or agent of the owner; or

108 c. Is an executor, administrator, trustee, or guardian  
109 of the estate of the owner.

110 (4) RESIDENTIAL BUILDING. A house, condominium,  
111 townhouse, or any other building where the whole building or  
112 significant parts of the building are designed or used as



113 residential dwellings.

114 (5) VACANT. A residential building or commercial  
115 building that is lacking habitual presence of human beings who  
116 have a legal right to be on the property, or at which  
117 substantially all lawful business operations, construction  
118 operations, or residential occupancy has ceased for a period  
119 of 90 consecutive days and there exists evidence of unkempt  
120 vacancy, provided: (i) an owner-occupied, single-family home  
121 shall not be deemed to be vacant if it has been used on a  
122 regular basis by the owner as a second residence or the owner  
123 intends to resume residing at the property and it is otherwise  
124 maintained in a manner that does not render substantial or  
125 persistent evidence of unkempt vacancy; (ii) the term "vacant"  
126 shall not include a residential building or commercial  
127 building containing multiple units with common ownership which  
128 has at least one unit occupied with evidence of utility usage;  
129 and (iii) any multiunit residential building or commercial  
130 building shall not be deemed to be vacant if the building is  
131 actively being marketed for sale or lease, as evidenced by the  
132 existence of an in-force real estate listing agreement or  
133 reasonable evidence of other active marketing efforts  
134 consistent with the nature of the property.

135 Section 6. (a) The governing body of a Class 1  
136 municipality may adopt a vacant property registration  
137 ordinance that establishes a vacant property registration and  
138 maintenance program that applies to any type of residential or  
139 commercial buildings, or both, located within the corporate  
140 limits of the municipality, except that a vacant property



141 registration ordinance shall not apply to property owned by  
142 the federal government, the State of Alabama, any political  
143 subdivision thereof, or a public corporation.

144 (b) A vacant property registration ordinance shall  
145 create a citywide vacant property registration database and  
146 clearly designate a program administrator.

147 Section 7. (a) A vacant property registration ordinance  
148 may provide that, subject to the exemptions provided in this  
149 act, owners of vacant property shall register the property  
150 with the program administrator within the later of: (i) 30  
151 days after the property is deemed vacant; (ii) 30 days after  
152 assuming ownership of the deemed vacant property; or (iii) 90  
153 days after assuming ownership by foreclosure or deed in lieu  
154 of foreclosure of the deemed vacant property or by the first  
155 subsequent transferee after the vacant property has been  
156 acquired by foreclosure or deed in lieu of foreclosure.

157 (b) The program administrator shall provide written  
158 notice to the owner and any lienholder with respect to what  
159 the program administrator believes to be a vacant property  
160 advising the owner that it appears to be delinquent with  
161 respect to vacant property registration and post a prominent  
162 placard, of a size of at least 24" x 24" on a street-facing  
163 side of the alleged vacant building, stating that the building  
164 may be subject to registration as a vacant property and  
165 providing contact information for the program administrator.  
166 The program administrator shall use commercially reasonable  
167 diligence to identify the owner and any lienholders of the  
168 vacant property.



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

172 (1) The name, street address, mailing address,  
173 telephone number, and, if applicable, facsimile number and  
174 email address of the property owner and his or her agent who  
175 is an individual at least 19 years of age, or an entity  
176 domiciled in Alabama that is designated by the owner as  
177 authorized agent for receiving notice of code violations and  
178 for receiving process in any court proceeding or  
179 administrative proceeding on behalf of the owner in connection  
180 with the enforcement of any applicable law, regulation, or  
181 code. If the property owner is not a resident of the state,  
182 the ordinance may provide that it is mandatory for the  
183 property owner to either: (i) provide the name of an agent to  
184 receive notices who is a resident of the state or an entity  
185 domiciled in Alabama; or (ii) submit to jurisdiction of the  
186 courts of the State of Alabama in form and content reasonably  
187 satisfactory to the program administrator.

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

189 (3) The period of time the property is expected to be  
190 vacant.

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

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

194 (6) Such other information as reasonably deemed  
195 necessary by the program administrator to process the  
196 registration.



197 (d) (1) A vacant property registration ordinance shall  
198 require payment of an annual registration fee for each vacant  
199 property as follows:

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

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

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

208 (3) A vacant property registration ordinance shall  
209 provide an exemption for time periods set forth in the  
210 ordinance to the registration and fee requirements for vacant  
211 property that is advertised in good faith for sale or lease on  
212 commercially reasonable terms.

213 (4) A vacant property registration ordinance shall  
214 provide exemptions to the registration and fee requirements,  
215 including, but not limited to, for vacant property:

216 a. Only considered to be a seasonal residence;

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

220 c. Under construction or renovation;

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

223 e. For a reasonable period of time not to exceed 24  
224 months, that is subject to divorce, probate, or estate



225 proceedings in the state;

226           f. When the owner or occupant of the vacant property  
227 files with the program administrator a statement of the owner  
228 or occupant's plans for restoration of the vacant property to  
229 productive use and occupancy during the 12-month period  
230 following the date when the initial registration of the  
231 property would otherwise be due. If the restoration or  
232 occupancy of the property has not commenced by the end of the  
233 12-month period, the owner or occupant shall be liable for any  
234 fee waived. The program administrator may extend the waiver of  
235 the registration fee for not more than one additional year in  
236 response to a written request by the property owner or  
237 occupant where the program administrator finds that conditions  
238 outside the owner or occupant's control significantly impeded  
239 the active efforts of the owner or occupant to restore the  
240 property within the initial 12-month period; or

241           g. In other situations in which the governing body of  
242 the municipality, on a case-by-case basis and upon request by  
243 the property owner, determines that an exemption of a vacant  
244 property from registration is appropriate upon a finding for  
245 good cause shown that the owner or lawful occupant will be  
246 unable to occupy the building for a determinate period of  
247 time, provided that the property owner or occupant provides a  
248 detailed statement of the owner or occupant's plans for  
249 restoration of the vacant property to productive use and  
250 occupancy during the 12-month period following the date when  
251 the initial registration of the property would otherwise be  
252 due.



253 (e) A vacant property registration ordinance may  
254 require that when the owner of the vacant property resides  
255 outside of the state, the owner shall provide the name and  
256 address of an individual who: (i) resides within the state;  
257 (ii) is authorized to accept service of process and notices of  
258 fees due under this act on behalf of the owner; and (iii) is  
259 designated as a responsible, local party or agent for the  
260 purposes of notification in the event of an emergency  
261 affecting the public health, safety, or welfare.

262 Section 8. (a) A vacant property registration ordinance  
263 shall:

264 (1) Provide that a subsequent owner or owners of  
265 property who are not related by blood or marriage to the prior  
266 owner and who purchase in good faith for value or who  
267 foreclose on the property or acquire the property by deed in  
268 lieu of foreclosure shall assume the obligations of the  
269 previous owner or owners;

270 (2) Provide for removal of the property from the vacant  
271 property registration database when the property is no longer  
272 vacant;

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

275 (4) Provide that owners have the right to prior notice  
276 and to appeal adverse decisions of the municipality or the  
277 program administrator or to appeal the interpretations or  
278 application of the ordinance, including its consistency with  
279 this act. Prior notice shall be sent by certified mail to the  
280 registered owner at the address maintained in the probate



281 office or according to the records of the tax assessor or  
282 revenue commissioner, if different, at least 10 days prior to  
283 the adverse decision; and

284 (5) Provide that any appeal of a violation or fine  
285 issued pursuant to this act shall be filed with the division  
286 of the municipal court in the Class 1 municipality which  
287 handles all code violations.

288 (b) To determine compliance with the ordinance and any  
289 applicable building codes, a vacant property registration  
290 ordinance may allow the program administrator or his or her  
291 designee to inspect the interior and exterior of a vacant  
292 property upon at least 10 days' prior notice to the owner  
293 after registration is effected or otherwise required, and at  
294 one-year intervals thereafter for so long as the property  
295 remains on the vacant property registration database.

296 (c) A vacant property registration ordinance may  
297 provide for municipal fines not to exceed one thousand dollars  
298 (\$1,000) per violation for failure to comply with ordinance  
299 requirements. A municipality may enforce the collection of  
300 vacant property registration fees by civil action in any court  
301 of competent jurisdiction. Unpaid vacant property registration  
302 fees and unpaid fines for any violation of a vacant property  
303 registration ordinance shall become a lien on the applicable  
304 real property, but only upon the recording of a notice of the  
305 lien in the probate office.

306 (d) The vacant property registration ordinance may  
307 require that the owner enclose and secure the vacant property  
308 within a designated period of time and thereafter to maintain



309 the vacant property to minimum standards required under  
310 applicable state law and municipal ordinances and codes or to  
311 lesser standards adopted under the vacant property  
312 registration ordinance. The ordinance may include authority  
313 for the municipality, following at least 30 days' notice to  
314 the owner, to act to bring the vacant property into compliance  
315 with the applicable standards, or otherwise eliminate the  
316 public nuisance caused by any noncompliant conditions;  
317 provided, however, that nothing in this section is to be  
318 interpreted to impose a duty, obligation, or requirement that  
319 a municipality must undertake such repairs, demolition, or  
320 maintenance measures which remain as obligations and  
321 responsibilities of the owner. Reasonable costs of the  
322 repairs, demolition, and maintenance incurred by the  
323 municipality shall be paid by the owner. A vacant property  
324 registration ordinance may provide that these costs shall  
325 become a lien on the applicable property, but only upon the  
326 recording of a notice of the lien in the probate office, or  
327 may be collected in civil proceedings against the owner.

328 (e) Any lien created under this section shall be  
329 subordinate to all other liens, including prior mortgages,  
330 fixture filings, mechanic's and materialman's liens, and those  
331 liens for taxes described or referenced in Section 11-51-6,  
332 Code of Alabama 1975. Not in derogation of the foregoing or  
333 other protections for good faith purchasers, the municipality  
334 may release any liens or waive any accrued fees or fines in  
335 the case of the transfer of the vacant property to a good  
336 faith purchaser.



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

340           Section 10. This act shall become effective on October  
341 1, 2026.