



A BILL
TO BE ENTITLED
AN ACT

Relating to blighted real property located in a Class 1 municipality; to authorize the governing body of a Class 1 municipality to enact and enforce blighted 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 any Class 1 municipality that adopts this act to be applicable to the registration of blighted property in the municipality.

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

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

(2) Blighted properties negatively impact the property rights of neighboring property owners by reducing the value of



surrounding properties, impacting the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism, and discouraging neighborhood stability and revitalization.

(3) Blighted properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those properties.

(4) Blighted properties require a Class 1 municipality to expend significant monetary and personnel resources and to incur a disproportionate cost to address problems of blighted and abandoned structures, which include, but are not limited to, property inspections, nuisance abatement, fire calls, and police calls.

(5) Blighted properties represent unrealized economic growth for a Class 1 municipality.

(6) A blighted property registration ordinance would allow a Class 1 municipality to discourage property blight, to maintain unoccupied buildings, to provide a database of blighted properties and their owners in order to better ensure compliance with applicable property codes, and to assess fees for the increased public costs associated with blighted properties.

(7) Fees imposed under a blighted property registration ordinance have the potential to benefit the owners of blighted properties by helping to finance additional government services by a Class 1 municipality to protect the value and security of such properties.

(8) Enactment of a blighted property registration



ordinance is a proper exercise of governmental authority to protect the public health, safety, and welfare of community residents and a valid regulatory scheme.

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

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

(1) BLIGHTED. A residential building or commercial building that is lacking habitual presence of human beings who have a legal right to be on the property, or at which substantially all lawful business operations or residential occupancy has ceased for a period of 90 consecutive days. In determining whether a property is blighted, a Class 1 municipality may consider, among other factors, evidence of blight.

(2) EVIDENCE OF BLIGHT. Any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential building or commercial building is blighted. Conditions or circumstances may include, but are not limited to:



- a. Overgrown or dead vegetation, including grass, shrubbery, and other plantings;
- b. An accumulation of abandoned personal property, trash, or other waste;
- c. Visible deterioration or lack of maintenance of any building or structure on the property;
- d. Graffiti or other defacement of any building or structure on the property;
- e. An absence of legal occupancy or routine legal activity occurring on the property; or
- f. Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes or being used for the operation of a lawful business.

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

- a. Has legal title to the property, with or without actual possession, or who is shown to be the owner or owners of record in the records of the probate office;
- b. Has charge, care, or control of the property as owner or agent of the owner;
- c. Is an executor, administrator, trustee, or guardian of the estate of the owner;
- d. Is the agent of the owner for the purpose of managing, controlling, or collecting rents; or
- e. Is entitled to control or direct the management or disposition of the property.

(4) RESIDENTIAL BUILDING. A house, condominium, townhouse, apartment unit or building, or any other building



113 where the whole building or parts thereof are designed or used
114 as residential dwellings or auxiliary uses to a residential
115 dwelling.

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

126 (b) A blighted property registration ordinance shall
127 create a city-wide blighted property registration database and
128 clearly designate a program administrator.

129 Section 7. (a) Owners of blighted property subject to a
130 blighted property registration ordinance shall register the
131 property with the program administrator within 30 days after
132 the property becomes blighted or within 30 days after assuming
133 ownership of the blighted property, whichever is later, or
134 within 10 days after receipt of notice by the municipality
135 that the property is blighted.

136 (b) A blighted property registration ordinance
137 registration form shall be in either paper or electronic form,
138 and the following information, at a minimum, shall be
139 required:

140 (1) The name, street address, mailing address,



141 telephone number, and, if applicable, the facsimile number and
142 email address of the property owner and his or her agent who
143 is an individual at least 21 years of age who is designated by
144 the owner as authorized agent for receiving notice of code
145 violations and for receiving process in any court proceeding
146 or administrative enforcement proceeding on behalf of the
147 owner in connection with the enforcement of any applicable
148 law, regulation, or code.

149 (2) The street address and parcel identification number
150 of the blighted property.

151 (3) The transfer date of the instrument conveying the
152 property to the owner.

153 (4) The date on which the property became blighted.

154 (c)(1) A blighted registration ordinance shall require
155 payment of an annual registration fee for each blighted
156 property as follows:

157 a. For residential property, an initial fee of two
158 hundred fifty dollars (\$250), and each year thereafter the fee
159 shall increase by an additional one hundred dollars (\$100),
160 capped at an annual fee of seven hundred fifty dollars (\$750).

161 b. For commercial property, an initial fee of five
162 hundred dollars (\$500), and each year thereafter the fee shall
163 increase by an additional two hundred fifty dollars (\$250),
164 capped at an annual fee of two thousand dollars (\$2,000).

165 (2) Registration fees may be refundable on a prorated
166 basis for the year preceding the date on which the property is
167 no longer blighted.

168 (3) A blighted property registration ordinance shall



169 provide an exemption for time periods set forth in the
170 ordinance to the registration and fee requirements for
171 blighted property that is advertised in good faith for sale or
172 lease.

173 (4) A blighted property registration ordinance may
174 provide exemptions to the registration and fee requirements,
175 including, but not limited to, for blighted property:

- 176 a. Only considered to be a seasonal residence;
- 177 b. Damaged by fire, weather, an act of God, or
178 vandalism, and the owner demonstrates his or her intent to
179 repair or renovate;
- 180 c. Under construction or renovation;
- 181 d. Where the owner is temporarily absent but who has
182 demonstrated his or her intent to return;
- 183 e. That is subject to divorce, probate, or estate
184 proceedings;
- 185 f. When the owner or occupant of the blighted property
186 files with the program administrator a detailed statement of
187 the owner or occupant's plans for restoration of the blighted
188 property to productive use and occupancy during the 12-month
189 period following the date when the initial registration of the
190 property would otherwise be due. If the restoration or
191 occupancy of the property has not commenced by the end of the
192 12-month period, the owner or occupant shall be liable for any
193 fee waived. The program administrator may extend the waiver of
194 the registration fee for not more than one additional year in
195 response to a written request by the property owner or
196 occupant where the program administrator finds that compelling



197 conditions outside the owner or occupant's control made it
198 impossible for the owner or occupant to restore the property
199 within the initial 12-month period; or

200 g. In other situations in which the governing body of
201 the municipality, on a case-by-case basis and upon request by
202 the property owner, determines that an exemption of a blighted
203 property from registration is appropriate upon a finding for
204 good cause shown that the owner or lawful occupant will be
205 unable to occupy the building for a determinate period of
206 time, provided that the property owner or occupant provides a
207 detailed statement of the owner or occupant's plans for
208 restoration of the blighted property to productive use and
209 occupancy during the 12-month period following the date when
210 the initial registration of the property would otherwise be
211 due.

212 (d) A blighted property registration ordinance may
213 require that when the owner of the blighted property resides
214 outside of the state, the owner shall provide the name and
215 address of an individual who resides within the state who is
216 authorized to accept service of process and notices of fees
217 due under this act on behalf of the owner and who is
218 designated as a responsible, local party or agent for the
219 purposes of notification in the event of an emergency
220 affecting the public health, safety, or welfare.

221 Section 8. (a) A blighted property registration
222 ordinance shall:

223 (1) Provide that a subsequent owner or owners of
224 property subject to the ordinance shall assume the obligations



225 of the previous owner or owners;

226 (2) Provide for removal of the property from the
227 blighted property registration database when the property is
228 no longer blighted;

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

231 (4) Provide that owners have the right to prior notice
232 and to appeal adverse decisions of the municipality or the
233 program administrator. Prior notice shall be sent by certified
234 mail to the registered owner at the address maintained in the
235 probate office or according to the records of the tax assessor
236 or revenue commissioner, if different, at least 10 days prior
237 to the adverse decision.

238 (b) A blighted property registration ordinance may
239 allow the program administrator or his or her designee to
240 inspect the interior and exterior of the blighted property
241 upon registration and at one--year intervals thereafter or
242 more frequently if necessary to protect public health and
243 safety, for so long as the property remains on the blighted
244 property registration database.

245 (c) A blighted property registration ordinance may
246 provide for municipal fines for failure to comply with its
247 requirements. A municipality may enforce the collection of
248 blighted property registration fees by civil action in any
249 court of competent jurisdiction. Unpaid blighted property
250 registration fees and unpaid fines for any violation of a
251 blighted property registration ordinance shall become a lien
252 on the applicable property upon the recording of a notice of



the lien in the probate office. The lien created under this subsection shall be superior to all other liens, except those liens for taxes described or referenced in Section 11-51-6, Code of Alabama 1975.

(d) The blighted property registration ordinance may require that the owner enclose and secure the blighted property within a designated period of time and thereafter to maintain the blighted property to minimum standards required under applicable state law and municipal ordinances and codes or to standards adopted under the blighted property registration ordinance. The ordinance may include authority for the municipality, following notice to the owner, to act to bring the blighted property into compliance with the applicable standards, or otherwise eliminate the public nuisance caused by any noncomplaint conditions; provided, however, that nothing in this section is to be interpreted to impose a duty, obligation, or requirement that a municipality must undertake such repairs, demolition, or maintenance measures which remain as obligations and responsibilities of the owner. Cost of the repairs, demolition, and maintenance and related legal and administrative costs incurred by the municipality shall be paid by the owner. A blighted property registration ordinance may provide that these costs shall become a lien on the applicable property, upon the recording of a notice of the lien in the probate office, or may be collected in civil proceedings against the owner.

Section 9. The provisions of this act shall be supplemental and in pari materia with other laws of the State



281 of Alabama relating to blighted or abandoned property.

282 Section 10. This act shall become effective on October

283 1, 2026.