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8 SYNOPSIS:

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

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17 A BILL
18 TO BE ENTITLED
19 AN ACT

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

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

28 Section 2. The provisions of this act shall apply in



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

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

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

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

(5) A vacant property registration ordinance would allow a Class 1 municipality to better monitor property 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



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

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

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

(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; or

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

(4) RESIDENTIAL BUILDING. A house, condominium, townhouse, or any other building where the whole building or 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.



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

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

(2) The street address of the vacant property.

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

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

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

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



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

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

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

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

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

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

a. Only considered to be a seasonal residence;

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

c. Under construction or renovation;

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

e. For a reasonable period of time not to exceed 24 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.



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

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

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

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

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

(4) Provide that owners have the right to prior notice and to appeal adverse decisions of the municipality or the program administrator or to appeal the interpretations or application of the ordinance, including its consistency with this act. Prior notice shall be sent by certified mail to the 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



the vacant property to minimum standards required under applicable state law and municipal ordinances and codes or to lesser standards adopted under the vacant property registration ordinance. The ordinance may include authority for the municipality, following at least 30 days' notice to the owner, to act to bring the vacant property into compliance with the applicable standards, or otherwise eliminate the public nuisance caused by any noncompliant 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. Reasonable costs of the repairs, demolition, and maintenance incurred by the municipality shall be paid by the owner. A vacant property registration ordinance may provide that these costs shall become a lien on the applicable property, but only upon the recording of a notice of the lien in the probate office, or may be collected in civil proceedings against the owner.

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