

1 HB493
2 185409-2
3 By Representatives Moore (M) and Rogers (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 08-MAR-18

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Birmingham in Jefferson
14 County; to require the City of Birmingham to establish by
15 ordinance a vacant building registration program and the
16 procedures for the administration and enforcement of the
17 program.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. This act shall only apply in the City of
20 Birmingham.

21 Section 2. For the purposes of this act, the
22 following words shall have the following meanings:

23 (1) CITY. The City of Birmingham.

24 (2) VACANT BUILDING. A building or other structure
25 that is unoccupied or unsecured and occupied by one or more
26 unauthorized persons for an amount of time as determined by
27 the ordinance. The term does not include a new building under

1 construction or a building that by definition is exempted by
2 an ordinance of the county or municipality.

3 Section 3. The Birmingham City Council, by
4 ordinance, shall establish a vacant building registration
5 program and, on a case by case basis upon request by the
6 property owner, may exempt a vacant building from registration
7 upon a finding of good cause shown that the property owner is
8 unable to occupy the building for a determinant period of
9 time.

10 Section 4. (a) An owner of real property subject to
11 registration may be charged a fee as provided by the
12 ordinance. The ordinance shall provide procedures for the
13 administration and enforcement of registration and payment and
14 collection of registration fees.

15 (b) The ordinance may require the owner of the
16 vacant building who resides outside of the state to provide
17 the name and address of a person who resides within the state
18 who is authorized to accept service of process and notices of
19 fees due under this section on behalf of the owner and who is
20 designated as a responsible local party or agent for the
21 purposes of notification in the event of an emergency
22 affecting the public health, safety, or welfare.

23 (c) The ordinance may authorize the city to
24 institute a civil action against the property owner or file a
25 lien on real property for unpaid or delinquent vacant building
26 registration fees, or both. Before any lien is filed, the
27 Birmingham City Council shall give notice to the property

1 owner or owner's agent, by certified mail, return receipt
2 requested, that the county commission will file the lien
3 unless the delinquent fees are paid by a date stated in the
4 notice, which date shall be no less than 30 days from the date
5 the notice is received by the owner or the owner's agent, as
6 shown on the signed certified mail return receipt. The
7 ordinance may provide for alternative means of service when
8 service cannot be obtained by certified mail.

9 (d) The ordinance shall permit a property owner to
10 challenge any determination made pursuant to the ordinance.
11 The administrative procedures adopted pursuant to the
12 ordinance shall include the right to appeal to the Jefferson
13 County Circuit Court.

14 (f) The Birmingham City Council shall deposit the
15 proceeds from the fee into a separate account, which shall be
16 used for any of the following:

17 (1) Improving public safety efforts, especially for
18 law enforcement and fire personnel, who most often contend
19 with the dangerous situations manifested in vacant properties.

20 (2) Monitoring and administering this act.

21 (3) Repairing, closing, or demolishing a vacant
22 structure as authorized by this act.

23 Section 5. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.