

1 SB335  
2 216955-2  
3 By Senator Hatcher  
4 RFD: Governmental Affairs  
5 First Read: 29-MAR-22

SYNOPSIS: Under existing law, municipalities are authorized to move or demolish buildings and structures, or parts of buildings or structures, party walls, and foundations when the governing body finds the building to be unsafe to the extent of being a public nuisance from any cause.

This bill would authorize Class 3 municipalities to establish a blight review board, which may conduct hearings, meet with property owners, and make recommendations to the municipal governing body regarding properties which are public nuisances.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Class 3 municipalities; to authorize the creation of a blight review board to address nuisance

1 complaints and make recommendations to the municipal governing  
2 body.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. A Class 3 municipality, by ordinance, may  
5 establish a Blight Review Board pursuant to this act.

6 Section 2. (a) (1) The Blight Review Board shall be  
7 composed of an equal number of members as the governing body  
8 of the municipality, with one member appointed by each member  
9 of the governing body of the municipality.

10 (2) The members of the governing body may only  
11 appoint an individual to the board if the individual, at the  
12 time of appointment, is a resident of the municipality and, if  
13 the governing body of the municipality is elected by  
14 single-member districts, is a resident of the district  
15 represented by the appointing member of the municipal  
16 governing body.

17 (b) (1) Members of the board shall serve for a term  
18 of two years.

19 (2) A member of the board may not be appointed for  
20 more than two consecutive complete terms.

21 (3) If a vacancy occurs in any seat of the municipal  
22 governing body or if the term of a member of the municipal  
23 governing body expires, the individual filling that vacancy or  
24 succeeding to that seat on the municipal governing body may  
25 make an appointment to the Blight Review Board to replace the  
26 appointment made by his or her predecessor, to serve for the  
27 remainder of the unexpired term of the board member.

1 (c) A member of the municipal governing body may  
2 remove his or her appointee to the board only for cause of  
3 willful neglect of duty, corruption in office, incompetency,  
4 or malfeasance.

5 (d) (1) The board shall annually elect from its  
6 membership a chair and a vice chair. A member of the board may  
7 not serve consecutive terms as chair.

8 (2)a. The board may annually appoint a board  
9 secretary by majority vote, to record minutes of the meeting.

10 b. If the Blight Review Board appoints as secretary  
11 any individual who is not a member of the board as appointed  
12 by any member of the municipal governing body, then the  
13 secretary shall not be considered a member of the board.

14 c. If no secretary is appointed, the vice chair  
15 shall record minutes.

16 (e) Unless otherwise required by state law, members  
17 of the board shall not be entitled to any compensation or  
18 benefits as a result of membership.

19 Section 3. (a) The board shall meet at the call of  
20 the chair, and shall meet at least once per month, and may  
21 also meet as needed by determination of the chair that a  
22 meeting is necessary to ensure timely action on any matter.

23 (b) The board may conduct business only if a quorum  
24 is present.

25 (c) The board may issue recommendations or take  
26 action only upon a majority vote of all members present.

1 (d) The board secretary shall submit a copy of the  
2 minutes to the city clerk no later than one week after the  
3 adjournment of each meeting.

4 Section 4. (a) The board shall do all of the  
5 following:

6 (1) Receive briefings from the municipal maintenance  
7 inspections department or office and municipal 311 services  
8 regarding complaints or nuisances directly related to  
9 abandoned, boarded-up, burned, otherwise dilapidated, or  
10 vacant structures within the corporate limits.

11 (2) Provide quarterly reports to the mayor, the  
12 municipal governing body, and the public on activities of the  
13 board, including the manner in which the board addresses  
14 complaints of abandoned, boarded-up, burned, otherwise  
15 dilapidated, or vacant structures in the corporate limits.

16 (b) The board may do any of the following:

17 (1) Make recommendations to the mayor, the municipal  
18 governing body, and the public on how to improve blighted  
19 properties and combat blight within the corporate limits.

20 (2) Bring property owners to meetings of the board  
21 to formulate an action plan for any property which was the  
22 subject of a complaint or nuisance.

23 (3) For any property which has been the subject of a  
24 nuisance complaint or which the municipal maintenance  
25 inspections department has determined to be a nuisance:

26 a. Recommend to the municipality a time frame to  
27 bring the structure up to acceptable standards.

1           b. Recommend to the municipality penalties for  
2 violations of any municipal ordinance, including, but not  
3 limited to, fines.

4           c. Recommend to the municipality the demolition of  
5 structures.

6           d. Recommend to the municipality the exercise of  
7 eminent domain, including, but not limited to, the sale of the  
8 property.

9           (4) Make use of any municipal maintenance  
10 inspections personnel in order to carry out its duties and  
11 powers under law.

12           (5) Through the municipality maintenance inspections  
13 department or office, and in accordance with policies and  
14 procedures of that department or office, subpoena witnesses,  
15 administer oaths, take testimony, and require the production  
16 of evidence.

17           Section 5. (a) The municipality shall ensure that  
18 the board is given access to any and all nuisance complaints  
19 submitted to the municipality.

20           (b) The municipal maintenance inspections department  
21 or office shall provide all complaints and findings by that  
22 department or office to the board.

23           Section 6. 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.