

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 490 Department or Agency: Alabama Land Bank Authority  
Rule No.: Chapter 490-X-2: Procedures  
Rule Title: Rules: 2-.01 Procedures for Application for Conveyance, 2-.02  
Procedures for Conveyance, 2-.03 Required Public Notice  
X New          Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *Narah H. Moore*  
Date 10/19/18 *Chair of Land Bank Authority*

(DATE FILED)  
(STAMP)

ALABAMA LAND BANK AUTHORITY  
NOTICE OF INTENDED ACTION

AGENCY NAME: Land Bank Authority

RULE NO. & TITLE: Chapter 490-X-2

Rule 490-X-2-.01	Procedures for Application for Conveyance of Tax-Delinquent Property
Rule 490-X-2-.02	Procedures for Conveyance of Tax-Delinquent Property
Rule 490-X-2-.03	Required Public Notice

INTENDED ACTION: Adoption of New Rules

SUBSTANCE OF PROPOSED ACTION:

Establish procedures for application for conveyance of tax-delinquent property, procedures for conveyance, and required public notice related to conveyance.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be directed in writing to the Alabama Land Bank Authority and mailed to:


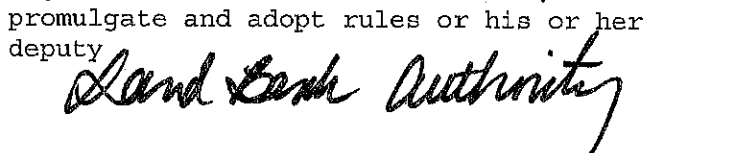
Alabama Dep't of Revenue  
Attn.: Derrick Coleman  
50 N. Ripley Street  
Montgomery, Alabama 36130

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

A Public Hearing on the proposed rule will be held Thursday, December 6, 2018 at 10 am at the Alabama Department of Revenue. Please see [www.openmeetings.alabama.gov](http://www.openmeetings.alabama.gov) for additional information.

CONTACT PERSON AT AGENCY:

Derrick Coleman 334-242-1539

  
Signature of officer authorized to promulgate and adopt rules or his or her deputy  


Alabama Land Bank Authority  
Administrative Code

Chapter 490-X-2  
Procedures

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490-X-2-.01	Procedures for Application for Conveyance of Tax-Delinquent Property.
490-X-2-.02	Procedures for Conveyance of Tax-Delinquent Property.
490-X-2-.03	Required Public Notice.
490-X-2-.01	Procedures for Application for Conveyance of Tax-Delinquent Property.

- (1) Any individual or entity seeking a conveyance of available tax-delinquent property shall submit to the Authority an application which shall include the following information:
  - a. Name, address, and contact information, including phone number(s) and email address of the applicant;
  - b. The property's physical address;
  - c. The property's legal description;
  - d. The market value of the property as determined by the appropriate county official responsible for assessing property in the jurisdiction in which the property is found. Applicant must attach a copy of the assessment sheet obtained from the office of this official;
  - e. A monetary offer for the purchase of the property which shall not be less than the stated market value.
    - i. If the applicant requests a conveyance of the property for less than the market value, the applicant must provide separate documentation setting forth the reasons the applicant believes the property should be conveyed for less than the market value; and,

- f. Documentation describing the proposed utilization of the property including, but not limited to, any public benefit that may arise from the acquisition and re-development of the property.
  - g. If available, the applicant shall also include the following in the application packet:
    - i. Photographs of the property in current condition;
    - ii. Historical photographs of the property;
    - iii. Plans, drawings and/or renderings of the proposed property use;
    - iv. Copies of prior public notice(s) related to the disposition of the property; and,
    - v. Any other information the applicant believes would be helpful to the Board when reviewing the application.
- (2) The application for the conveyance of available tax-delinquent property may be obtained by contacting the Department of Revenue at (334) 242-1539.

**490-X-2-.02      Procedures for Conveyance of Tax-Delinquent Property.**

- (1) Upon receipt of an application for conveyance of available tax-delinquent property, the Authority shall request the Land Commissioner of the Alabama Department of Revenue to:
  - a. Confirm that the property is subject to the jurisdiction of the Authority;
  - b. Confirm the amount of outstanding tax delinquency;
  - c. Provide to the Authority documentation describing any and all prior advertised notice(s) by the Commissioner of Revenue or his or her designee; and,
  - d. Confirm any other information contained within the application packet of which the Department of Revenue has relevant information.
- (2) Upon verification of the application by the Department of Revenue, the Board of the Authority will review the application and any supporting documents provided by the Department of Revenue and may vote to request that the Land Commissioner of the Alabama Department of Revenue

convey the state's interest in the property to the Authority via a tax deed.

- (3) Upon Board approval of the request for conveyance via tax deed by the Land Commissioner of the Alabama Department of Revenue to the Authority, the Board may immediately vote to approve the subsequent sale or conveyance and the terms therefor of the property by the Authority to the applicant via a tax deed.
- (4) If the Board has previously voted to request that the Land Commissioner of the Alabama Department of Revenue convey the state's interest in the property via tax deed to the Authority and subsequently voted to approve the sale or conveyance and the terms therefor of the property by the Authority to the applicant via a tax deed, the Authority will then convey the property to the Applicant via a tax deed.

**490-X-2-.03 Required Public Notice.**

Following approval of an application for conveyance of property by the Board:

- (1) If the property to be conveyed by the Authority has been the subject of prior public notice by the Commissioner of Revenue, his or her designee, or a local official regarding the property's disposition, the Authority may immediately convey the property to the applicant via tax deed.
- (2) If the property to be conveyed by the Authority has not been the subject of public notice by the Commissioner of Revenue, his or her designee, or a local official regarding the property's disposition, the Authority must provide public notice of its intent prior to disposition of the property.
  - a. Notice shall provide an opportunity for persons objecting to the disposition of the property to appear the Authority at a specific date, time, and place.
  - b. If there is no objection filed within thirty (30) days of the conclusion of public notice of the property's

disposition, the Authority may convey the property via tax deed to the applicant.

**Author:** Susan F. Wilhelm

**Statutory Authority:** Code of Ala. 1975, §§ 24-9-6, 24-9-7

**History:** Proposed Rule Filed October 22, 2018.