

# OFFICE OF THE ATTORNEY GENERAL

85-00102

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NOV 28 1984

ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130

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REVENUE DEPARTMENT

Honorable Kenneth Everett  
Mayor, City of Dothan  
P. O. Box 2128  
Dothan, AL 36302

Municipalities -- Tax Sales --  
Redemption

Fact that tax sale purchaser is not entitled to reimbursement from redemptioner for repairs or improvements to property does not abrogate duty on part of purchaser, if he is considered the owner for purposes of building codes, to cause property to conform to said codes.

Dear Mayor Everett:

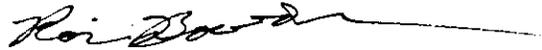
In your request on behalf of the City of Dothan for an opinion, you state that all cities in Alabama are given the right to abate public nuisances and health hazards under various laws, including Code of Alabama 1975, §§6-5-122, 11-47-117, and 11-47-130. All cities are empowered by §11-53-2 to adopt and enforce codes such as the building code, housing code, plumbing code, and the standard code for the elimination and repair of unsafe buildings. These building codes have definitions of owner such as the one contained in the standard code for the elimination or repair of unsafe buildings, §201.3 "any person . . . having a legal or equitable interest in the property." A purchaser bought a house at a tax sale in May, 1983. The City of Dothan notified this purchaser of numerous code defects by certified letter dated January 10, 1984. The purchaser refuses to do any repairs to the house until the expiration of three years from the date on which he bought the property, at which time he can get a tax deed to the property. The purchaser's theory is that since the former owner does not have to pay for

any improvements if he redeems the property within three years, the tax sale purchaser may not be compelled to make repairs or improvements so as to satisfy the code requirements. You ask whether a city may enforce the building codes against the tax sale purchaser of a run down, delapidated or dangerous structure.

Your question is answered in the affirmative. In an opinion to Representative Tommy Carter dated September 26, 1983, this office held that a tax sale purchaser is not entitled to be reimbursed for the value of improvements to property made by him during the redemption period, i.e., after the date of the tax sale but before the three year redemption period expires and a tax deed is acquired by the purchaser. This is clearly the law. The certificate of purchase gives the purchaser at the tax sale the right to the possession of the land, but does not divest the title, Smith v. Jackson, 169 So.2d 21 (1964). Whether the remedy necessary to bring the building up to code standards is denominated a repair or an improvement is immaterial, since the purchaser is not entitled to reimbursement in either event. However, the fact that a tax sale purchaser may not be reimbursed for repairs and improvements to property does not entitle him to violate the building codes, etc., to which you refer in your request. If the purchaser may in fact be considered the owner of the property for purposes of the building codes, he may be compelled to comply with said codes.

Sincerely yours,

CHARLES A. GRADDICK  
Attorney General  
By-



RON BOWDEN  
Assistant Attorney General

RB:jt