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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable Joseph W. Cade  
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Mobile Homes – Public Nuisance –  
Manufactured Housing – Municipalities –  
Tuscaloosa County

If the appropriate city official, as defined by section 11-53B-3 of the Code of Alabama, determines that a mobile home, trailer, double-wide, manufactured home, or manufactured building in the City of Northport is unsafe to the extent it is a public nuisance, the City of Northport is authorized by sections 11-53B-1 through 11-53B-16 of the Code to demolish it and seek recovery of costs.

Dear Mr. Cade:

This opinion of the Attorney General is issued in response to your request on behalf of the City of Northport.

QUESTION

If the appropriate city official, as defined by section 11-53B-3 of the Code of Alabama, determines that a mobile home, trailer, double-wide, manufactured home, or manufactured building in the City of Northport is unsafe to the extent it is a public nuisance, is the City of Northport authorized by sections 11-53B-1 through 11-53B-16 of the Code to demolish it and seek recovery of costs? Stated differently, does the definition of “building” or “structure” in sections 11-53B-1 through 11-53B-16 include mobile homes,

trailers, double-wides, manufactured homes, or manufactured buildings?

### FACTS AND ANALYSIS

According to the information that you provided this Office, the City of Northport has a number of unsafe and dilapidated mobile homes in the city. It also has a number of dilapidated homes and other buildings in the city. A concern has arisen regarding the city's authority under sections 11-53B-1 through 11-53B-16 of the Code as these sections do not fully define what constitutes a "building" or "structure."

In granting municipalities the authority to repair or demolish unsafe structures, the Legislature stated their findings as follows:

(1) It is estimated that within the municipalities of the state, there exist several thousand parcels of real property that due to poor design, obsolescence, or neglect, have become unsafe to the extent of becoming public nuisances. Much of this property is vacant or in a state of disrepair and is causing or may cause a blight or blighting influence on the city and the neighborhoods in which the property is located. Such property constitutes a threat to the health, safety, and welfare to the citizens of the state and is an impediment to economic development within the municipality. This threat can be minimized if an incorporated municipality is authorized to repair the affected structures and is able to recover the cost of the repairs. In addition, where the municipality has undertaken the demolition of the structures and has taken a lien on the real property for the cost of the demolition, there has not been an effective method for recovering this assessment. These obligations owed to municipalities have largely been under-performing assets that could be converted to cash, providing the municipalities with much needed revenues.

(2) It is the intent of this chapter to authorize a municipality of the state to proceed with the demolition or repair of a structure based on its own findings, and

to set out a method for collecting the assessment liens so imposed.

ALA. CODE § 11-53B-1 (Supp. 2003).

Section 11-53B-2 sets forth the general authority as follows:

Upon a finding of necessity by the governing body of any incorporated municipality in the state, after giving notice as provided herein the municipality may demolish or repair a building or structure or parts of buildings and structures, party walls, and foundations which are found by the governing body of the municipality to be unsafe to the extent of being a public nuisance from any cause. The cost of any action taken by the municipality shall be assessed against the property as provided in this chapter.

ALA. CODE § 11-53B-2 (Supp. 2003). Nowhere in this chapter are the terms "structure" or "building" defined.

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331 (Ala. 2000); *Ex parte T.B.*, 698 So. 2d 127 (Ala. 1997); *State Dep't of Transp. v. McLelland*, 639 So. 2d 1370 (Ala. 1994); *Tuscaloosa County Comm'n v. Deputy Sheriffs' Ass'n of Tuscaloosa County*, 589 So. 2d 687 (Ala. 1991); *Coastal States Gas Transmission Co. v. Alabama Pub. Serv. Comm'n*, 524 So. 2d 357 (Ala. 1988). Webster's Dictionary defines "structure" as "something constructed or built, a building of imposing size." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 2267 (1986). Webster's Dictionary defines "building" as "a constructed edifice designed to stand more or less permanently, covering a space of land, usually covered by a roof and more or less completely enclosed by walls, and serving as a dwelling, storehouse, factory, shelter for animals, or other useful structure". WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 292 (1986). Given the plain meaning of the words "structure" and "building," as used in sections 11-53B-1 through 11-53B-16 of the Code of Alabama, it is the opinion of this Office that mobile homes, trailers (when used as a synonym for mobile home and not in the sense of a structure used to transport items from place to place), double-wides, manufactured homes, and manufactured buildings would all be considered "buildings" or "structures" for the purposes set forth in chapter 53B of title 11.

CONCLUSION

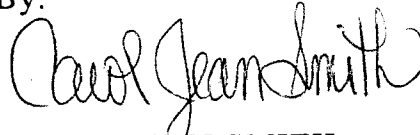
If the appropriate city official, as defined by section 11-53B-3 of the Code of Alabama, determines that a mobile home, trailer, double-wide, manufactured home, or manufactured building in the City of Northport is unsafe to the extent it is a public nuisance, the City of Northport is authorized by sections 11-53B-1 through 11-53B-16 of the Code to demolish it and seek recovery of costs.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ben Albritton of my staff.

Sincerely,

TROY KING  
Attorney General

By:



CAROL JEAN SMITH  
Chief, Opinions Division

TK/BHA

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