
MUNICIPAL ORDINANCE - ALABAMA

City of Center Point v. Atlas Rental Property, LLC

Supreme Court of Alabama - August 26, 2022 - So.3d - 2022 WL 3700376

Landlords sought preliminary and permanent injunctive relief from city ordinance requiring certificates of occupancy for rental-housing units.

The Circuit Court entered preliminary injunction enjoining ordinance's enforcement. City appealed.

The Supreme Court held that:

- The Alabama Uniform Residential Landlord and Tenant Act (AURLTA) expressly preempted the ordinance;
- Landlords demonstrated that they would suffer irreparable harm in the absence of a preliminary injunction; and
- Balance of harms favored entering a preliminary injunction.

Alabama Uniform Residential Landlord and Tenant Act (AURLTA) expressly preempted city ordinance requiring certificates of occupancy for rental-housing units; despite argument that the AURLTA governed only the landlord-tenant relationship, the AURLTA expressly prohibited ordinances relative to residential landlords, rental housing codes, or the rights and obligations governing residential landlord and tenant relationships.

Landlords alleging that the Alabama Uniform Residential Landlord and Tenant Act (AURLTA) preempted city ordinance requiring certificates of occupancy for rental-housing units demonstrated that they would suffer irreparable harm in the absence of a preliminary injunction, despite argument that landlord's alleged harm could remedied through an award of monetary damages; it was evident from the nature of the requirements of the ordinance, as well as the nature of the penalties for compliance with the ordinance, that it would be difficult, if not impossible, to accurately calculate the future damages that the landlords might suffer if the ordinance were allowed to stand, notwithstanding its determination that the ordinance was preempted by the AURLTA.

Balance of harms favored entering a preliminary injunction enjoining enforcement of city ordinance requiring certificates of occupancy for rental-housing units; city was attempting to regulate an area of the law that the legislature intended the Alabama Uniform Residential Landlord and Tenant Act (AURLTA) to exclusively occupy, and city had other avenues to protect the health and safety of its citizens, such as building regulations that governed the conditions and maintenance of all property, buildings, and structures within the city, not just rental-housing units.

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