

# ALABAMA

## Basic Information on community association operations in this state

<p>1. Is UCA the legal basis for community associations?</p> <ul style="list-style-type: none"> <li>Alabama Statute 35-8A-101</li> <li>Homeowners Association Act Alabama Statute 35-20</li> </ul>	<p><b>YES</b>    <b>NO</b></p>
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<p>2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally?</p> <ul style="list-style-type: none"> <li>Most state statutes are condo association focused.</li> <li>New HOAs formed after January 1, 2016 are required to file certain disclosure documents with the local Probate Judge’s Office for transmittal to the Secretary of State for posting.</li> <li>HOAs formed prior to January 1, 2016 are not required to file documents with the Secretary of State.</li> </ul>	<p><b>YES</b>    <b>NO</b></p>
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3. What state agency regulates community associations?

4. Are community associations, HOAs registered as business entities or nonprofit corporations?

**NONPROFIT, IF FORMED AFTER JANUARY 2016**  
 Subject to Title 10A – ALABAMA BUSINESS AND NONPROFIT ENTITIES CODE

<https://law.justia.com/codes/alabama/2013/title-10a/chapter-2/>  
<http://sos.alabama.gov/business-entities>

<p>5. How many community associations in this state?</p> <p><i>(Source: CAI Fact Book 2016 Statistics)</i></p>	<p><b>2,000 – 3,000</b> <b>est’d</b></p>
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<p>6. Does this state have laws that regulate use of technology?</p> <p>If Yes, do these laws impact:</p> <ul style="list-style-type: none"> <li>Information privacy;</li> <li>Data access;</li> <li>Identity Theft;</li> <li>Data breach?</li> </ul>	<p><b>YES</b>    <b>NO</b></p>
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### Key Statutes - Association/CID specific Cyber Security, Data Access and Privacy

NONE FOUND

### Relevant Legislative Trends

No new laws passed in 2016, 2017 related to relevant topics

Data Breach Bill Passes Senate, Goes to House

Businesses that do not comply with the act under SB 238 face Alabama Deceptive Trade Practices Act (ADTPA) implications and up to \$50,000 in civil fines from the Attorney General's Office. Government entities also would be required to report data breaches, but they would be exempt from any fines.

Legislators at both the federal and state level should be concerned with providing clear guidance to businesses about how to notify those affected by a data breach, which will benefit all parties involved in such a breach.

**Statutes related to Data Security/retention/protection/disposal and penalties**

**NONE**

Alabama is one of only 2 U.S. states that does not have laws specific to data security, disposal, or breach notification – either for state agencies or for private entities

**Identity theft statutes and penalties**

**Ala Criminal Code §13A .The Consumer Identity Protection Act.** Makes it a Class B or C felony to appropriate another's identity for unlawful use. Penalties include restitution for financial loss caused by the criminal violation of this article to any person whose identifying information was appropriated  
Chapter 31-13-14 addresses trafficking in stolen identities.

Article 10: [The Consumer Identity Protection Act](#)

**Related General Business/Organization Statutes (non-specific to Associations)**

**The Stored Communications Act, 18 U.S.C. §§ 2701-2712, ("SCA")** addresses unauthorized disclosure of electronic communications, covers improper and permits civil action.

See 18 U.S.C.A. § 2707