

1 **H. B. 4465**

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3 (By Delegates Kump and Ellem)

4 [Introduced February 8, 2012; referred to the
5 Committee on Political Subdivisions then the Judiciary.]

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10 A BILL to amend and reenact §8A-6-3 of the Code of West Virginia,
11 1931, as amended, relating to a requirement that counties
12 protect, by regulation or ordinance, liens filed by
13 homeowners' associations in the event of a foreclosure.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §8A-6-3 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 6. METHODS OF SECURITY.**

18 **§8A-6-3. Enforcement and guarantees.**

19 (a) The planning commission is vested with ~~all the necessary~~
20 the authority to administer and enforce conditions attached to the
21 final plat approved for a development project including, but not
22 limited to, the authority to:

23 (1) Order, in writing, the remedy for any noncompliance with

1 the conditions;

2 (2) Bring legal action to ensure compliance with the
3 conditions including injunction, abatement or other appropriate
4 action or proceeding; and

5 (3) Require a guarantee satisfactory to the planning
6 commission in an amount sufficient for and conditioned upon the
7 construction of any physical improvements required by the
8 conditions, or a contract for the construction of the improvements
9 and the contractor's guarantee, in like amount and so conditioned,
10 which guarantee shall be reduced or released by the planning
11 commission upon the submission of satisfactory evidence that
12 construction of the improvements has been completed in whole or in
13 part.

14 (b) Failure to meet all conditions attached to the final plat
15 approved for a development project ~~shall constitute~~ constitutes
16 cause to deny the issuance of any of the required use, occupancy or
17 improvement location permits, as may be appropriate.

18 (c) The county shall provide, by regulation or ordinance,
19 that upon a foreclosure, by a bank or other lender, of any unit or
20 lot situate in a common interest community subdivision with an
21 attendant homeowners' association, that the bank or lender shall
22 protect any lien filed by the homeowners' association against a
23 unit or lot by adding the full amount of the lien to the minimum
24 sale price of the property and by disbursing this amount at the

1 time of sale of the property.

NOTE: The purpose of this bill is to require that counties protect, by regulation or ordinance, liens filed by homeowners' associations in the event of a foreclosure.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.