

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 579**

5 (By Senators Unger, Cookman, Edgell, Laird, Miller, Palumbo,  
6 Snyder, Stollings and Kessler (Mr. President))

7 \_\_\_\_\_  
8 [Originating in the Committee on the Judiciary;  
9 reported February 20, 2014.]  
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13 A BILL to amend the Code of West Virginia, 1931, as amended, by  
14 adding thereto a new article, designated §31-18E-1, §31-18E-2,  
15 §31-18E-3, §31-18E-4, §31-18E-5, §31-18E-6, §31-18E-7,  
16 §31-18E-8, §31-18E-9, §31-18E-10, §31-18E-11, §31-18E-12,  
17 §31-18E-13, §31-18E-14, §31-18E-15, §31-18E-16, §31-18E-17 and  
18 §31-18E-18, all relating to improving housing development and  
19 land use; authorizing creation of a land reuse agency by West  
20 Virginia municipalities, counties or a combination thereof;  
21 stating legislative findings; defining terms; providing  
22 requirements for the permissive creation and operation of land  
23 reuse agencies; detailing certain requirements for a land  
24 reuse agency board and staff; requiring certain terms of the  
25 land reuse agency be set forth; providing certain immunity to  
26 land reuse jurisdictions; setting forth powers and limitations

1 of land reuse agencies; explicitly stating that land reuse  
2 agencies do not have the power of eminent domain; detailing  
3 criteria for acquisition and disposition of property by land  
4 reuse agencies; authorizing certain land reuse agency property  
5 as exempt from property tax; stating land reuse agency funding  
6 sources; stating requirements and constraints on disposition  
7 of property; detailing potential financing of land reuse  
8 agency operations; permitting special allocation of certain  
9 property taxes in certain situations; authorizing the issuance  
10 of certain bonds; requiring land reuse agencies to follow open  
11 meetings and freedom of information requirements; providing a  
12 process for dissolution of land reuse agencies; requiring the  
13 Ethics Act to apply to land reuse agency employees and board  
14 members; providing for expedited quiet of title proceedings in  
15 circuit court; providing for liberal construction of the  
16 article; and requiring an annual audit and report of all land  
17 reuse agencies.

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

19 That the Code of West Virginia, 1931, as amended, be amended  
20 by adding thereto a new article, designated §31-18E-1, §31-18E-2,  
21 §31-18E-3, §31-18E-4, §31-18E-5, §31-18E-6, §31-18E-7, §31-18E-8,  
22 §31-18E-9, §31-18E-10, §31-18E-11, §31-18E-12, §31-18E-13,  
23 §31-18E-14, §31-18E-15, §31-18E-16, §31-18E-17 and §31-18E-18, all  
24 to read as follows:

25 **ARTICLE 18E. WEST VIRGINIA LAND REUSE AGENCY AUTHORIZATION ACT.**

26 **§31-18E-1. Short title.**

1 This article may be known and cited as the West Virginia Land  
2 Reuse Agency Authorization Act.

3 **§31-18E-2. Legislative findings.**

4 The Legislature finds and declares that:

5 (1) Strong communities are important to the social and  
6 economic vitality of this state. Whether urban, suburban or rural,  
7 many communities are struggling to cope with vacant, abandoned and  
8 tax-delinquent properties.

9 (2) Citizens of this state are affected adversely by vacant,  
10 abandoned and tax-delinquent properties, including properties which  
11 have been vacated or abandoned due to mortgage foreclosure.

12 (3) Vacant, abandoned and tax-delinquent properties impose  
13 significant costs on neighborhoods, communities, municipalities and  
14 counties by lowering property values, increasing fire and police  
15 protection costs, decreasing tax revenues and undermining community  
16 cohesion.

17 (4) Vacant, abandoned and tax-delinquent properties contribute  
18 to blight, invite crime and pests and provide unsafe play spaces.

19 (5) There is an overriding public need to confront the  
20 problems caused by vacant, abandoned and tax-delinquent properties  
21 through the creation of new tools to enable municipalities and  
22 counties to turn vacant, abandoned and tax-delinquent spaces into  
23 vibrant places.

24 (6) Land reuse agencies, often called land banks in other  
25 jurisdictions, are one of the tools that municipalities and  
26 counties may use to facilitate the return of vacant, abandoned and

1 tax-delinquent properties to productive use.

2 **§31-18E-3. Definitions.**

3 As used in this article:

4 (1) "Board" means the board of directors of a land reuse  
5 agency;

6 (2) "Deconstruct" means to attempt to remove salvageable  
7 pieces of a housing unit prior to or as part of demolition or  
8 renovation;

9 (3) "Financial institution" means a bank, savings association,  
10 operating subsidiary of a bank or savings association, credit  
11 union, association licensed to originate mortgage loans or an  
12 assignee of a mortgage or note originated by such an institution;

13 (4) "Land reuse agency" means a public body established under  
14 this article;

15 (5) "Land reuse jurisdiction" means: (A) A county or  
16 municipality in this state; or (B) two or more municipalities or  
17 counties that enter into an intergovernmental cooperation agreement  
18 to establish and maintain a land reuse agency;

19 (6) "Municipality" means a municipality as defined in section  
20 two, article one, chapter eight of this code; and

21 (7) "Real property" means all lands, including improvements  
22 and fixtures on them and property of any nature appurtenant to them  
23 or used in connection with them and every estate, interest and  
24 right, legal or equitable, in them, including terms of years and  
25 liens by way of judgment, mortgage or otherwise, and indebtedness  
26 secured by the liens.

1 **§31-18E-4. Creation and existence.**

2 (a) *Authority.* -- A land reuse jurisdiction may elect to  
3 create a land reuse agency by the adoption of an ordinance to  
4 create a binding legal obligation. The ordinance must specify the  
5 type of entity created and the following:

6 (1) The name of the land reuse agency;

7 (2) The number of members of the board;

8 (3) The names of individuals to serve as initial members of  
9 the board;

10 (4) The qualifications, manner of selection or appointment and  
11 terms of office of members of the board;

12 (5) The manner by which residents will be provided an  
13 opportunity to have input into the land reuse agency  
14 decision-making process; and

15 (6) Additional terms and conditions the land reuse  
16 jurisdiction deems reasonable and necessary for operation of the  
17 land reuse agency that are not inconsistent with this article.

18 (b) *Filing.* -- The governing body of the land reuse  
19 jurisdiction which creates a land reuse agency shall file a copy of  
20 the ordinance with the West Virginia Housing Development Fund and  
21 with the Secretary of State. After receipt of the ordinance, the  
22 Secretary of State shall issue the appropriate documentation  
23 indicating the formation of the entity.

24 (c) *Combinations.* -- (1) The authority under subsection (a) of  
25 this section may be exercised in combination pursuant to an  
26 intergovernmental cooperation agreement by:

1 (A) More than one land reuse jurisdiction; or

2 (B) A land reuse jurisdiction and one or more municipalities  
3 or counties.

4 (2) If a land reuse agency is established under subdivision  
5 (1) of this subsection, the intergovernmental cooperation agreement  
6 must specify matters identified in subsection (a) of this section.

7 (d) *Limitation.* -- Except as set forth in subsection (c) of  
8 this section, if a county establishes a land reuse agency, the land  
9 reuse agency may acquire real property only in those portions of  
10 the county located outside of the geographical boundaries of any  
11 other land reuse agency established by another land reuse  
12 jurisdiction located partially or entirely within the county.

13 (e) *Legal status of land reuse agency.* -- A land reuse agency:

14 (1) Is a public body corporate and politic, exercising public  
15 and essential governmental functions, and having all the powers  
16 necessary or convenient to carry out and effectuate the purposes  
17 and provisions of this article; and

18 (2) Exists until terminated and dissolved under section  
19 fourteen of this article.

20 (f) *Collaboration.* -- A land reuse agency, a political  
21 subdivision and another municipal entity may enter into an  
22 intergovernmental cooperation agreement relative to the operations  
23 of a land reuse agency.

24 **§31-18E-5. Board of directors of a land reuse agency.**

25 (a) *Membership.* -- A board shall consist of an odd number of

1 members and be not less than five members nor more than eleven  
2 members. Unless restricted by the actions or agreements specified  
3 in section four of this article and subject to the limits stated in  
4 this section, the size of the board may be adjusted in accordance  
5 with bylaws of the land reuse agency.

6 (b) *Eligibility to serve on board.* --

7 (1) Notwithstanding any law to the contrary, a public officer  
8 is eligible to serve as a board member, and the acceptance of the  
9 appointment neither terminates nor impairs that public office;

10 (2) A municipal employee is eligible to serve as a board  
11 member;

12 (3) An established land reuse agency board shall include at  
13 least one voting member who:

14 (A) Is a resident of the land reuse jurisdiction;

15 (B) Is not a public official or municipal employee; and

16 (C) Maintains membership with a recognized civic organization  
17 within the land reuse jurisdiction;

18 (4) A member removed under subdivision (3), subsection (d) of  
19 this section is ineligible for reappointment to the board unless  
20 the reappointment is confirmed unanimously by the board;

21 (5) As used in this subsection, the term "public officer"  
22 means an individual who is elected to office.

23 (c) *Officers.* -- The members of the board shall select  
24 annually from among their members a chair, vice chair, secretary,  
25 treasurer and other officers as the board determines.

26 (d) *Rules.* -- The board shall establish rules on all of the

1 following:

2 (1) Duties of officers;

3 (2) Attendance and participation of members in its regular and  
4 special meetings;

5 (3) A procedure to remove a member by a majority vote of the  
6 other members for failure to comply with a rule; and

7 (4) Other matters necessary to govern the conduct of a land  
8 reuse agency.

9 (e) *Vacancies*. -- A vacancy on the board shall be filled in  
10 the same manner as the original appointment. Upon removal under  
11 subdivision (3), subsection (d) of this section, the position  
12 becomes vacant.

13 (f) *Compensation*. -- Board members serve without compensation.  
14 The board may reimburse a member for expenses actually incurred in  
15 the performance of duties on behalf of the land reuse agency.

16 (g) *Meetings*. -- (1) The board shall meet as follows:

17 (A) In regular session according to a schedule adopted by the  
18 board;

19 (B) In special session:

20 (I) As convened by the chair; or

21 (ii) Upon written notice signed by a majority of the members;

22 (2) A majority of the board, excluding vacancies, is a quorum.  
23 Physical presence is required under this paragraph.

24 (h) *Voting*. -- (1) Except as set forth in subdivision (2) or  
25 (3) of this subsection or elsewhere in this article, action of the  
26 board must be approved by the affirmative vote of a majority of the



1 board present and voting.

2 (2) Action of the board on the following matters must be  
3 approved by a majority of the entire board membership:

4 (A) Adoption of bylaws;

5 (B) Adoption of rules under subsection (d) of this section;

6 (C) Hiring or firing of an employee or contractor of the land  
7 reuse agency. This function may, by majority vote of the entire  
8 board membership, be delegated by the board to a specified officer  
9 or committee of the land reuse agency;

10 (D) Incurring of debt;

11 (E) Adoption or amendment of the annual budget; or

12 (F) Sale, lease, encumbrance or alienation of real property or  
13 personal property with a value of more than \$50,000.

14 (3) A resolution under section fourteen of this article,  
15 relating to dissolution of a land reuse agency, must be approved by  
16 two thirds of the entire board membership.

17 (4) A member of the board may not vote by proxy.

18 (5) A member may request a recorded vote on any resolution or  
19 action of the land reuse agency.

20 (i) *Immunity.* -- A land reuse jurisdiction which establishes  
21 a land reuse agency and a municipality or county which are parties  
22 to an intergovernmental cooperation agreement establishing a land  
23 reuse agency shall not be liable personally on the bonds or other  
24 obligations of the land reuse agency. Rights of creditors of a land  
25 reuse agency are solely against the land reuse agency.

26 **§31-18E-6. Staff of the land reuse agency.**

1 (a) *Employees.* -- A land reuse agency may employ or enter into  
2 a contract for an executive director, counsel and legal staff,  
3 technical experts and other individuals and may determine the  
4 qualifications and fix the compensation and benefits of those  
5 employees.

6 (b) *Contracts.* -- A land reuse agency may enter into a  
7 contract with a municipality or county for:

8 (1) The municipality or county to provide staffing services to  
9 the land reuse agency; or

10 (2) The land reuse agency to provide staffing services to the  
11 municipality or county.

12 **§31-18E-7. Powers of the land reuse agency.**

13 A land reuse agency is a public body, corporate and politic,  
14 exercising public and essential governmental functions, and having  
15 all the powers necessary or convenient to carry out and effectuate  
16 the purposes and provisions of this article, including but not  
17 limited to the following:

18 (1) To adopt, amend and repeal bylaws for the regulation of  
19 its affairs and the conduct of its business;

20 (2) To sue and be sued in its own name and be a party in a  
21 civil action. This paragraph includes an action to clear title to  
22 property of the land reuse agency;

23 (3) To adopt a seal and to alter the same at pleasure;

24 (4) To borrow from federal government funds, from the state,  
25 from private lenders or from municipalities or counties, as  
26 necessary, for the operation and work of the land reuse agency;

1 (5) To issue negotiable revenue bonds and notes according to  
2 the provisions of this article;

3 (6) To procure insurance or guarantees from the federal  
4 government or the state of the payment of debt incurred by the land  
5 reuse agency and to pay premiums in connection with the insurance  
6 or guarantee;

7 (7) To enter into contracts and other instruments necessary,  
8 incidental or convenient to the performance of its duties and the  
9 exercise of its powers. This paragraph includes intergovernmental  
10 cooperation agreements for the joint exercise of powers under this  
11 article;

12 (8) To enter into contracts and intergovernmental cooperation  
13 agreements with municipalities or counties for the performance of  
14 functions by municipalities or counties on behalf of the land reuse  
15 agency or by the land reuse agency on behalf of municipalities or  
16 counties;

17 (9) To make and execute contracts and other instruments  
18 necessary or convenient to the exercise of the powers of the land  
19 reuse agency. Any contract or instrument signed shall be executed  
20 by and for the land reuse agency if the contract or instrument is  
21 signed, including an authorized facsimile signature, by:

22 (A) The chair or vice chair of the land reuse agency; and

23 (B) Either:

24 (i) The secretary or assistant secretary of the land reuse  
25 agency; or

26 (ii) The treasurer or assistant treasurer of the land reuse

1 agency;

2       (10) To procure insurance against losses in connection with  
3 the real property, assets or activities of the land reuse agency;

4       (11) To invest money of the land reuse agency at the  
5 discretion of the board in instruments, obligations, securities or  
6 property determined proper by the board and to name and use  
7 depositories for its money;

8       (12) To enter into contracts for the management of, the  
9 collection of rent from or the sale of real property of the land  
10 reuse agency;

11       (13) To design, develop, construct, demolish, reconstruct,  
12 deconstruct, rehabilitate, renovate, relocate and otherwise improve  
13 real property or rights or interests in real property;

14       (14) To fix, charge and collect rents, fees and charges for  
15 the use of real property of the land reuse agency and for services  
16 provided by the land reuse agency;

17       (15) To grant or acquire licenses, easements, leases or  
18 options with respect to real property of the land reuse agency;

19       (16) To enter into partnerships, joint ventures and other  
20 collaborative relationships with municipalities, counties and other  
21 public and private entities for the ownership, management,  
22 development and disposition of real property;

23       (17) To organize and reorganize the executive, administrative,  
24 clerical and other departments of the land reuse agency and to fix  
25 the duties, powers and compensation of employees, agents and  
26 consultants of the land reuse agency; and

1           (18) To do all other things necessary or convenient to achieve  
2 the objectives and purposes of the land reuse agency or other law  
3 related to the purposes and responsibility of the land reuse  
4 agency.

5 **§31-18E-8. Eminent domain.**

6           A land reuse agency does not possess the power of eminent  
7 domain. Any property obtained by the power of eminent domain after  
8 the effective date of this article may not be acquired by a land  
9 reuse agency by any means.

10 **§31-18E-9. Acquisition of property.**

11           (a) *Title to be held in its name.* -- A land reuse agency shall  
12 hold in its own name all real property it acquires.

13           (b) *Tax exemption.* -- (1) Except as set forth in subdivision  
14 (2) of this subsection, the real property of a land reuse agency  
15 and its income and operations are exempt from property tax.

16           (2) Subdivision (1) of this subsection does not apply to real  
17 property of a land reuse agency after the fifth consecutive year in  
18 which the real property is continuously leased to a private third  
19 party. However, real property continues to be exempt from property  
20 taxes if it is leased to a nonprofit or governmental agency at  
21 substantially less than fair market value.

22           (c) *Methods of acquisition.* -- A land reuse agency may acquire  
23 real property or interests in real property by any means on terms  
24 and conditions and in a manner the land reuse agency considers  
25 proper.

1           (d) *Acquisitions from municipalities or counties.* -- (1) A  
2 land reuse agency may acquire real property by purchase contracts,  
3 lease purchase agreements, installment sales contracts and land  
4 contracts and may accept transfers from municipalities or counties  
5 upon terms and conditions as agreed to by the land reuse agency and  
6 the municipality or county.

7           (2) A municipality or county may transfer to a land reuse  
8 agency real property and interests in real property of the  
9 municipality or county on terms and conditions and according to  
10 procedures determined by the municipality or county as long as the  
11 real property is located within the jurisdiction of the land reuse  
12 agency.

13           (3) An urban renewal authority, as defined in section four,  
14 article eighteen, chapter sixteen of this code, located within a  
15 land reuse jurisdiction established under this article may, with  
16 the consent of the local governing body and without a redevelopment  
17 contract, convey property to the land reuse agency. A conveyance  
18 under this subdivision shall be with fee simple title, free of all  
19 liens and encumbrances.

20           (e) *Maintenance.* -- A land reuse agency shall maintain all of  
21 its real property in accordance with the statutes and ordinances of  
22 the jurisdiction in which the real property is located.

23           (f) *Prohibition.* -- (1) Subject to the provisions of  
24 subdivision (2) of this subsection, a land reuse agency may not own  
25 or hold real property located outside the jurisdictional boundaries  
26 of the entities which created the land reuse agency under

1 subsection (c) of section four of this article.

2 (2) A land reuse agency may be granted authority pursuant to  
3 an intergovernmental cooperation agreement with a municipality or  
4 county to manage and maintain real property located within the  
5 jurisdiction of the municipality or county.

6 (g) *Acquisition of tax delinquent properties.* --  
7 Notwithstanding any other provision of this code to the contrary,  
8 if authorized by the land reuse jurisdiction which created a land  
9 reuse agency or otherwise by intergovernmental cooperation  
10 agreement, a land reuse agency may acquire an interest in tax  
11 delinquent property through the provisions of chapter eleven-a of  
12 this code. Notwithstanding the provisions of section eight,  
13 article three, chapter eleven-a of this code, if no person present  
14 at the tax sale bids the amount of the taxes, interest and charges  
15 due on any unredeemed tract or lot or undivided interest in real  
16 estate offered for sale, the sheriff shall, prior to certifying the  
17 real estate to the auditor for disposition pursuant to section  
18 forty-four, article three, chapter eleven-a of this code, provide  
19 a list of all of said real estate within a land reuse jurisdiction  
20 to the land reuse agency and the land reuse agency shall be given  
21 an opportunity to purchase the tax lien and pay the taxes, interest  
22 and charges due for any unredeemed tract or lot or undivided  
23 interest therein as if the land reuse agency were an individual who  
24 purchased the tax lien at the tax sale.

25 **§31-18E-10. Disposition of property.**

26 (a) *Public access to inventory.* -- A land reuse agency shall

1 maintain and make available for public review and inspection an  
2 inventory of real property held by the land reuse agency.

3 (b) *Power.* -- A land reuse agency may convey, exchange, sell,  
4 transfer, lease, grant or mortgage interests in real property of  
5 the land reuse agency in the form and by the method determined to  
6 be in the best interests of the land reuse agency.

7 (c) *Consideration.* -- (1) A land reuse agency shall determine  
8 the amount and form of consideration necessary to convey, exchange,  
9 sell, transfer, lease as lessor, grant or mortgage interests in  
10 real property.

11 (2) Consideration may take the form of monetary payments and  
12 secured financial obligations, covenants and conditions related to  
13 the present and future use of the property, contractual commitments  
14 of the transferee and other forms of consideration as determined by  
15 the board to be in the best interest of the land reuse agency.

16 (d) *Policies and procedures.* -- (1) A board shall determine  
17 and state in the land reuse agency policies and procedures the  
18 general terms and conditions for consideration to be received by  
19 the land reuse agency for the transfer of real property and  
20 interests in real property, including but not limited to, a process  
21 for distribution of any proceeds to any claimants, taxing entities  
22 and the land reuse agency.

23 (2) Requirements which may be applicable to the disposition of  
24 real property and interests in real property by municipalities or  
25 counties shall not be applicable to the disposition of real  
26 property and interests in real property by a land reuse agency.



1           (e) *Ranking of priorities.* -- (1) A land reuse jurisdiction  
2 may establish a hierarchical ranking of priorities for the use of  
3 real property conveyed by a land reuse agency, including use for:

4           (A) Purely public spaces and places;

5           (B) Affordable housing;

6           (C) Conservation areas; and

7           (D) Retail, commercial and industrial activities.

8           (2) The priorities established may be for the entire land  
9 reuse jurisdiction or may be set according to the needs of  
10 different neighborhoods, municipalities or other locations within  
11 the land reuse jurisdiction, or according to the nature of the real  
12 property.

13          (f) *Land use plans.* -- A land reuse agency shall consider all  
14 duly adopted land use plans and make reasonable efforts to  
15 coordinate the disposition of land reuse agency real property with  
16 the land use plans.

17          (g) *Specific voting and approval requirements.* -- (1) A land  
18 reuse jurisdiction may, in its ordinance creating a land reuse  
19 agency or in the case of multiple land reuse jurisdictions and  
20 municipalities or counties creating a single land reuse agency in  
21 the applicable intergovernmental cooperation agreement, require  
22 that a particular form of disposition of real property or a  
23 disposition of real property located within specified jurisdictions  
24 be subject to specified voting and approval requirements of the  
25 board.

26          (2) Except as restricted or constrained under paragraph (1) of

1 this subsection, the board may delegate to officers and employees  
2 the authority to enter into and execute agreements, instruments of  
3 conveyance and other related documents pertaining to the conveyance  
4 of real property by the land reuse agency.

5 **§31-18E-11. Financing of land reuse agency operations.**

6 (a) *General rule.* -- A land reuse agency may receive funding  
7 through grants and loans from:

8 (1) The federal government;

9 (2) The state;

10 (3) A municipality or county;

11 (4) The land reuse jurisdiction which created the land reuse  
12 agency; and

13 (5) Private or other public sources.

14 (b) *Funding.* -- A land reuse agency may receive and retain  
15 payments for services rendered, for rents and leasehold payments  
16 received, for consideration for disposition of real and personal  
17 property, for proceeds of insurance coverage for losses incurred,  
18 for income from investments and for an asset and activity lawfully  
19 permitted to a land reuse agency under this article.

20 (c) *Allocated real property taxes.* -- (1) A taxing  
21 jurisdiction may authorize the remittance or dedication of a  
22 portion of real property taxes collected pursuant to the laws of  
23 this state to a land reuse agency on real property conveyed by a  
24 land reuse agency.

25 (2) Allocation of property tax revenues in accordance with  
26 this subsection, if authorized by the taxing jurisdiction, begins

1 with the first taxable year following the date of conveyance and  
2 continues for a period of up to five years and may not exceed a  
3 maximum of fifty percent of the aggregate property tax revenues  
4 generated by the property.

5 (3) Remittance or dedication of real property taxes include  
6 the real property taxes of a county board of education only if the  
7 county board of education enters into an agreement with the land  
8 reuse agency for the remittance or dedication.

9 **§31-18E-12. Borrowing and issuance of bonds.**

10 (a) *Authority.* -- (1) A land reuse agency may issue a bond for  
11 any of its corporate purposes.

12 (2) The principal and interest of a bond is payable from the  
13 land reuse agency's general revenue.

14 (3) The bond may be secured by any of the following:

15 (A) A pledge of revenue. This paragraph includes a grant or  
16 contribution from: (i) The federal government or a federal agency  
17 or instrumentality; or (ii) the state, a state agency or an  
18 instrumentality of the state; or

19 (B) A mortgage of property of the land reuse agency.

20 (b) *Nature.* -- The bond is a negotiable instrument under the  
21 provisions of article eight, chapter forty-six of this code.

22 (c) *Tax exempt.* -- A bond and the income from the bond is  
23 exempt from taxation by: (1) The state; and (2) a political  
24 subdivision.

25 (d) *Procedure.* -- (1) A bond must be authorized by resolution

1 of the board and shall be a limited obligation of the land reuse  
2 agency.

3 (2) The principal and interest, costs of issuance and other  
4 costs incidental to the bond are payable solely from the income and  
5 revenue derived from the sale, lease or other disposition of the  
6 assets of the land reuse agency. The land reuse agency may secure  
7 the bond by a mortgage or other security device covering all or  
8 part of the project from which the pledged revenues may be derived.

9 (3) A refunding bond issued under this section:

10 (A) Is payable from: (i) A source described in this article;  
11 or (ii) the investment of the proceeds of the refunding bonds; and

12 (B) Is not an indebtedness or pledge of the general credit of  
13 a political subdivision within the meaning of a constitutional or  
14 statutory limitation of indebtedness and shall contain a recital to  
15 that effect.

16 (4) A bond must comply with the authorizing resolution as to:

17 (A) Form;

18 (B) Denomination;

19 (C) Interest rate;

20 (D) Maturity; and

21 (E) Execution.

22 (5) A bond may be subject to redemption at the option of and  
23 in the manner determined by the board in the authorizing  
24 resolution.

25 (e) *Powers of municipalities or counties.* -- A municipality or  
26 county may elect to guarantee, insure or otherwise become primarily

1 or secondarily obligated on the indebtedness of a land reuse  
2 agency, subject, however, to all other provisions of law of this  
3 state applicable to municipal or county indebtedness.

4 (f) *Sale.* -- (1) A bond shall be issued, sold and delivered in  
5 accordance with the terms and provisions of the authorizing  
6 resolution. The board, to effectuate its best interest, may  
7 determine the manner of sale, public or private, and the price of  
8 the bond.

9 (2) The resolution issuing a bond must be published in a  
10 newspaper of general circulation within the jurisdiction in which  
11 the land reuse agency is located.

12 (g) *Liability.* -- (1) Neither the members of a land reuse  
13 agency nor a person executing the bond shall be liable personally  
14 on the bonds by reason of the issuance of the bond.

15 (2) The bond or other obligation of a land reuse agency  
16 related to a bond shall not be a debt of a municipality, county or  
17 of the state. A statement to this effect shall appear on the face  
18 of the bond or obligation.

19 (3) On the bond or other obligation of a land reuse agency  
20 related to a bond, all of the following apply:

21 (A) The state has no liability. This paragraph applies to the  
22 revenue and property of the state; and

23 (B) A municipality or county has no liability. This paragraph  
24 applies to the revenue and property of a municipality or county.

25 **§31-18E-13. Public records and public access.**

26 (a) *Public records.* -- A board shall keep minutes and a record

1 of its proceedings.

2 (b) *Public access.* -- A land reuse agency is subject to  
3 article nine-a, chapter six of this code, relating to open  
4 meetings, and chapter twenty-nine-b of this code, relating to  
5 public records.

6 **§31-18E-14. Dissolution of land reuse agency.**

7 (a) *General rule.* -- A land reuse agency may be dissolved as  
8 a public body corporate and politic upon compliance with all of the  
9 following:

10 (1) Sixty calendar days advance written notice of  
11 consideration of a resolution to request dissolution must be:

12 (A) Given to the land reuse jurisdiction which created the  
13 land reuse agency;

14 (B) Published in a local newspaper of general circulation; and

15 (C) Sent by certified mail to the trustees of outstanding  
16 bonds of the land reuse agency;

17 (2) Satisfaction of all outstanding liabilities; and

18 (3) Approval of a resolution requesting dissolution, pursuant  
19 to subdivision (3), subsection (h), section five of this article.

20 (b) *Authority.* -- Upon receipt of a proper resolution  
21 described in subsection (a) of this section, the land reuse  
22 jurisdiction which created the land reuse agency may dissolve the  
23 land reuse agency by adoption of an ordinance or order. If  
24 approved, the governing body of the land reuse jurisdiction which  
25 created the land reuse agency shall file a certified copy of the  
26 ordinance or order with the Secretary of State and notify the West

1 Virginia Housing Development Fund of the dissolution of the land  
2 reuse agency. The Secretary of State shall cause the termination  
3 of the existence of the land reuse agency to be noted on the record  
4 of incorporation. Upon the filing, the land reuse agency shall  
5 cease to function.

6 (c) *Transfer of assets.* -- Upon dissolution of the land reuse  
7 agency, real property, personal property and other assets of the  
8 land reuse agency become the assets of the municipality in which  
9 the property is located or the county in which the property is  
10 located, if it is not within a municipality. The following apply:

11 (1) Personal property, including financial assets, of the land  
12 reuse agency shall be divided among participating land reuse  
13 jurisdictions in proportion to the population of each jurisdiction.

14 (2) The municipality in which real property is located or the  
15 county in which the property is located, if it is not within a  
16 municipality, shall approve the transfer of title to the  
17 municipality or county.

18 (d) *Multiple jurisdictions.* -- If multiple land reuse  
19 jurisdictions create a land reuse agency under section four of this  
20 article, the withdrawal of one or more land reuse jurisdictions  
21 does not require dissolution of the land reuse agency unless:

22 (1) The intergovernmental cooperation agreement provides for  
23 dissolution in this event; and

24 (2) There is no land reuse jurisdiction which desires to  
25 continue the existence of the land reuse agency.

26 **§31-18E-15. Conflicts of interest.**

1 (a) *Ethics Act.* -- The acts and decisions of members of a  
2 board and of employees of a land reuse agency are subject to  
3 chapter six-b of this code.

4 (b) *Supplemental rules and guidelines.* -- The board may adopt:

5 (1) Supplemental rules addressing potential conflicts of  
6 interest; and

7 (2) Ethical guidelines for members of the board and land reuse  
8 agency employees.

9 **§31-18E-16. Expedited quiet title proceedings.**

10 (a) *Authorization.* -- (1) A land reuse agency may file an  
11 action in circuit court to quiet title to real property in which  
12 the land reuse agency has an interest.

13 (2) A land reuse agency may join in a single complaint to  
14 quiet title to one or more parcels of real property.

15 (3) For purposes of an action under this section, the land  
16 reuse agency shall be deemed to be the holder of sufficient legal  
17 and equitable interests and possessory rights so as to qualify the  
18 land reuse agency as an adequate complainant in the action.

19 (b) *Procedural requirements.* -- (1) Prior to the filing of an  
20 action to quiet title, the land reuse agency must conduct an  
21 examination of title to determine the identity of any person  
22 possessing a claim or interest in or to the real property.

23 (2) Service of the complaint to quiet title shall be provided  
24 in accordance with the requirements to serve a civil complaint  
25 generally, including that service to interested parties be made as



1 follows:

2 (A) By first class mail to the identity and address reasonably  
3 ascertainable by an inspection of public records;

4 (B) In the case of occupied real property, by first class  
5 mail, addressed to "occupant";

6 (C) By posting a copy of the notice on the real property.

7 (D) By publication; and

8 (E) As ordered by the court.

9 (3) As part of the complaint to quiet title, the land reuse  
10 agency must file an affidavit identifying:

11 (A) Persons discovered under subdivision (1) of this  
12 subsection; and

13 (B) The form of service under subdivision (2) of this  
14 subsection.

15 (c) *Hearing*. -- (1) The court shall schedule a hearing on the  
16 complaint within ninety days following filing of the complaint and  
17 as to all matters upon which an answer was not filed by an  
18 interested party.

19 (2) The court shall issue its final judgment within one  
20 hundred twenty days of the filing of the complaint.

21 **§31-18E-17. Construction, intent and scope.**

22 This article shall be construed liberally to effectuate the  
23 legislative intent and the purposes as complete and independent  
24 authorization for the implementation of this article, and all  
25 powers granted shall be broadly interpreted to effectuate the  
26 intent and purposes and not as a limitation of powers.

1 **§31-18E-18. Annual audit and report.**

2 (a) The land reuse agency shall annually, within one hundred  
3 twenty days after the end of the fiscal year, submit an audit of  
4 income and expenditures, together with a report of its activities  
5 for the preceding year, to the West Virginia Housing Development  
6 Fund.

7 (b) A duplicate of the audit and the report shall be filed  
8 with the governing body of:

9 (1) The land reuse jurisdiction which created the land reuse  
10 agency; and

11 (2) Each political subdivision which opted to participate in  
12 the land reuse agency pursuant to an intergovernmental agreement.