

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3094

By Delegates Howell, Storch, Hornby, Dittman,
Petitto, Heckert, Hillenbrand and Hornbuckle

[Introduced January 26, 2023; Referred to the
Committee on Economic Development and Tourism
then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §5B-11-1, §5B-11-2, and §5B-11-3, all relating to creation of the Remote
 3 Worker Home Development Act; providing for legislative findings; establishing parameters
 4 for the creation of homes and subdivisions to comport with the purpose of the Act; creating
 5 guidelines; and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. REMOTE WORKER HOME DEVELOPMENT ACT.

§5B-11-1. Legislative findings.

1 (a) The Legislature finds that the COVID-19 pandemic has caused the transition of many
 2 job opportunities to be performed remotely. The establishment of a remote work program aimed at
 3 recruiting professionals to the Mountain State is in the best interest of all West Virginians.

4 (b) In April 2021, West Virginia native Brad D. Smith and his wife, Alys created "Ascend
 5 WV," which will allow adventurers to enjoy world-class recreation, uncrowded spaces, and a low
 6 cost-of-living while staying fully connected to their jobs, and it comes with the country's best
 7 remote worker incentive package: \$12,000 and a year's worth of free outdoor recreation. This
 8 program has tremendous support from local mayors and county officials from the program's first
 9 three host cities – Morgantown, Shepherdstown, and Lewisburg.

10 (c) In keeping with the idea that West Virginia can capitalize on workforce trends by
 11 leveraging our incredible outdoor recreation assets, the Legislature find that West Virginia's
 12 outdoor assets are unparalleled, and provide the perfect opportunity to grow the West Virginia
 13 Family by offering new residents a great place to work, live, and raise a family. Accordingly, the
 14 establishment of a "Remote Worker Home Development Act" will provide a mechanism to draw in
 15 new workers and their families to West Virginia for the purpose of remote working.

§5B-11-2. Establishment of the act; parameters; guidelines; special guidance for rental property.

1 (a) There shall hereinafter be established the "Remote Worker Home Development Act". In

2 doing so, a developer may create a subdivision that is "Remote Worker Ready", wherein the taxes
3 on the subdivision during development will be categorized differently. When a developer
4 establishes a subdivision for the purpose of housing workers and families who intend to work
5 remotely, the property tax rates shall be kept at their original rate, until each new home is sold for
6 the first time. Once the first home is sold, then the home and its tract is taxed as the improved
7 home property. The remaining acres shall still be taxed as original unimproved property, even if 2
8 completed homes are unsold.

9 (b) Only one building permit for the subdivision is required, and permits are not required for
10 each structure built by the developer. The developer shall notify the county assessor as each
11 home is constructed, and the permit shall be at the lowest rate offered by the county.

12 (c) Municipal or county public service districts shall allow the developer to install their own
13 water and sewer lines, so long as the standards meet those established by the public service
14 district. The standards shall not exceed those of the public service districts own lines, and the
15 public service district shall have the right to inspect the installation and sign off on it. Once
16 complete the water and sewer lines will be transferred to the public service district.

17 (d) The requirements to qualify under the act are as follows: A subdivision must have all
18 underground utilities for storm reliability; a subdivision must have fiber cables for internet, or an
19 equivalent or better technology; the subdivision must have category 7 or better ethernet; each
20 home build must have a room built specifically to be used as a remote office, which shall include
21 surge protected electrical wiring, additional power outlets with USB capability, or if a better future
22 technology presents itself, then the equivalent technology, external door for work visitors to enter
23 and exit without going through the home; each home shall have a back-up electrical power source;
24 deed covenants and/or subdivision homeowners association rules must clearly define work from
25 home is expressly authorized; a county may not dictate lot size, home square footage or type of
26 home; and mobile homes may be excluded.

27 (e) Additionally, the broadband internet service offered in the subdivisions must have at

28 least one terrestrial broadband internet service provider offering all of the following in at least one
 29 service plan to residential consumers: An actual downstream data rate of at least 25 megabits per
 30 second; an actual upstream data rate of at least three megabits per second; unlimited data usage
 31 without overage charges; and unlimited data usage without "throttling" or reduction of downstream
 32 or upstream data rate due, in whole or in part, to the amount of data transferred in any period.

33 (f) The developer shall have an income tax credit equal to cost of the additional
 34 requirements for the remote office room and back up electrical power source in each home built.

35 (g) The developer shall account for the long-term maintenance needs of their particular
 36 development, including, but not limited to, water, sewer, and the roads, and shall ensure that there
 37 are reasonably sufficient funds to perform the needed work over the long term.

38 (h) In addition to the construction of homes for long-term use, rental units to be used by
 39 remote workers are allowable under this section. For all rental opportunities on new construction
 40 only, for the purpose of attracting remote workers to West Virginia, there shall be the same
 41 requirements for the construction of a particular dwelling, with the same tax credit for the "remote
 42 worker" requirements allowable as described in subsections (a) and (f) of this section. If a
 43 dwelling is being constructed for the purpose of rental property for remote workers, the "remote
 44 worker rental" shall receive a tax credit equal to the difference between their annual real property
 45 taxes paid on the development site and the amount they would have paid if the development site
 46 had been taxed as Class 2 property for 30 years, or for the duration of the construction loan on the
 47 property, whichever is shorter. No refinancing is permitted for these projects. This must be for new
 48 construction built after July 1, 2023, and must meet all of the requirements outlined above in
 49 subsections (a) through (e).

50 (i) Finally, the requirements outlined in this section will supersede any county or municipal
 51 subdivision ordinances, while others will remain in effect.

§5B-11-3. Effective date.

1 This article shall take effective July 1, 2023.

NOTE: The purpose of this bill is to establish the Remote Worker Home Development Act.

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