

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4949

By Delegates Howell, Linville, Akers, Stephens, Willis,
Hornby, Winzenreid, Crouse, Dittman, Jeffries, and W.
Clark

[Introduced January 19, 2024; Referred to the
Committee on Political Subdivisions then Government
Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §8A-13-1, §8A-13-2, and §8A-13-3, all relating to modifying local permitting
 3 deadlines for local governing bodies or planning commissions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. LOCAL PERMITTING DEADLINES.

§8A-13-1. Definition.

1 For purposes of this article, "request" means an application for a permit, license, variance,
 2 or any other type of prior approval from a governing body or planning commission of a municipality
 3 or county for an action related to the development or improvement of property.

§8A-13-2. Deadline.

1 If an applicant submits a request to a governing body or planning commission of a
 2 municipality or county, then the governing body or planning commission of the municipality or
 3 county must approve or deny the applicant's request within 60 days. The following applies:

4 (a) If the governing body or planning commission fails to approve or deny the applicant's
 5 request within 60 days, then the request is approved.

6 (b) The time limit in this section begins upon the governing body or planning commission's
 7 receipt of a request from an applicant.

8 (c) If the governing body or planning commission approves the request, then the governing
 9 body or planning commission may not impose on the applicant additional requirements related to
 10 the request.

11 (d) If the governing body or planning commission denies the request, then the governing
 12 body or planning commission must provide the applicant with a statement in writing of the reasons
 13 for the denial.

14 (e) If the governing body or planning commission denies a request for being incomplete,
 15 then the governing body or planning commission must provide the applicant a statement in writing

16 of the reasons the request is incomplete. The request is incomplete if the request fails to contain
17 all information required by law or by a previously adopted rule, ordinance, or policy.

§8A-13-3. Extension.

1 The time limit in §8A-13-2 of this code may be extended. The following applies:

2 (a) The time limit in §8A-13-2 of this code is extended if a request requires prior approval of
3 a state or federal agency. The time limit is extended to 60 days after the required prior approval is
4 granted. The extension may not exceed 60 days, unless approved by the applicant.

5 (b) An applicant may request an extension in writing.

NOTE: The purpose of this bill is to modify local permitting deadlines for local governing bodies or planning commissions.

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