

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Introduced**

## **Senate Bill 551**

BY SENATOR NELSON

[Introduced January 25, 2024; referred  
to the Committee on Government Organization]



1 A BILL to amend and reenact §8-13A-12 of the Code of West Virginia, 1931, as amended, relating  
2 to business improvement districts; and modifying requirements related to levy of service  
3 fees.

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

**ARTICLE 13A. BUSINESS IMPROVEMENT DISTRICTS.**

**§8-13A-12. Levy of service fees; classification of properties; factors to consider.**

1 (a) Upon receipt of a recommended program of services and a proposed budget from the  
2 district board, the governing body of the municipality may annually, by ordinance, levy business  
3 improvement service fees which may only be applicable to properties located within the  
4 improvement district and only to the extent necessary to fund the budget proposed by the district  
5 board. All revenue from the fees shall be placed in a special business improvement district fund  
6 and may only be used to fund the services provided under this article. ~~Any surplus in the fund in  
7 a fiscal year shall be applied to reduce the amount of service fees required for the next fiscal year~~

8 (b) The ordinance creating a business improvement district may provide for the division of  
9 property within the district into two or more zones or uses in the event significant differences exist  
10 relative to the property and the improvements. The ordinance may establish different rates of  
11 assessment for each zone or use, or may provide that the rate be a certain percentage of the  
12 assessment levied in the zone or on the use, subject to the highest rate of assessment.

13 (c) The amount of the business improvement service fee shall be in addition to any  
14 municipality-wide license fees or any other tax, fee or charge levied for the general benefit and  
15 use of the municipality.

16 (d) Each assessment is a lien on the commercial property that is assessed, second only  
17 to any state, federal or county taxes levied on that property.