

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2856

By Delegates Linville and Hillenbrand

[Introduced February 24, 2025; referred to the
Committee on Energy and Public Works]

1 A BILL to amend and reenact §31G-6-1 of the Code of West Virginia, 1931, as amended, relating
2 to pre-emption for broadband services and providing for the installation of fiber optics on
3 property with conservation easements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. PRE-EMPTION OF CONFLICTING LOCAL ORDINANCES AND PRIVATE RESTRICTIONS

§31G-6-1. Pre-emption in favor of broadband services; construction of language in agreements.

1 (a) Notwithstanding any other provision of the West Virginia Code or the West Virginia
2 Code of State Rules to the contrary, any ordinance of any political subdivision relating to
3 broadband service is hereby pre-empted to the extent necessary in favor of such broadband
4 installation.

5 (b) No corporate policy, organizational policy, institutional policy, agreement, contract, or
6 other like document, including the rules and regulations of any Home Owners Association, or any
7 similar entity or organization, promulgated or made effective after the effective date of this section,
8 may regulate or prevent the exterior installation of antennas and equipment necessary to or
9 typically utilized for broadband deployment and the terms of any such document shall be strictly
10 construed in favor of encouraging and assisting broadband installation and deployment.

11 (c) The installation of fiber optics which does not adversely affect the conservation values
12 of protected property, shall not be unreasonably withheld by the conservation easement holder.
13 Such permission can be affected through the conservation easement language; through a
14 conservation plan which addresses both location and depth of the fiber optics installation; or
15 through court action for those easements already recorded where permission to install is
16 prohibited by existing conservation easement language.

NOTE: The purpose of this bill is to allow the installation of fiber optics on property with

conservation easements.

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