

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 853

By Senators Jeffries, Clements, Deeds, Fuller,
Hamilton, Helton, Queen, Roberts, Rose, Takubo,
Tarr, and Willis

[Introduced March 20, 2025; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §11A-3-45 and §11A-3-48 of the Code of West Virginia, 1931, as
 2 amended, relating to clarifying terms of registration for tax abandoned land auctions and
 3 sales held by the Auditor.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED AND WASTE

AND UNAPPROPRIATED LANDS.

§11A-3-45. Auditor to hold annual auction.

1 (a) Each tract or lot certified by the Auditor pursuant to §11A-3-44 of this code shall be sold
 2 by him or her at public auction at the courthouse of the county to the highest eligible bidder during
 3 the courthouse's normal operating hours on any business working day within 90 days after the
 4 Auditor has certified the lands as required by §11A-3-44 of this code. The payment for any tract or
 5 lot purchased at a sale shall be made by check, U. S. currency, or money order payable to the
 6 Auditor and delivered before the close of business on the day of sale. No part or interest in any
 7 tract or lot subject to ~~such~~ the sale, or any part thereof of interest therein, that is less than the
 8 entirety of ~~such~~ the unredeemed tract, lot, or interest, as the same is described and constituted as
 9 a unit or entity in ~~said~~ that list, shall be offered for sale or sold at ~~such~~ the sale. If the sale ~~shall not~~
 10 ~~be~~ is not completed on the first day of the sale, it shall be continued from day to day between the
 11 same hours until all the land ~~shall have~~ has been offered for sale. Bidding at an auction held
 12 pursuant to this section constitutes transacting business in this state for purposes of §31B-10-
 13 1001 *et seq.*, §31D-15-1501 *et seq.*, and §31E-14-1401 *et seq.* of this code.

14 (b) A private, nonprofit, charitable corporation, incorporated in this state, which has been
 15 certified as a nonprofit corporation pursuant to the provisions of Section 501(c)(3) of the federal
 16 Internal Revenue Code, as amended, which has as its principal purpose the construction of
 17 housing or other public facilities and which notifies the Auditor of an intention to bid and
 18 subsequently submits a bid that is not more than five percent lower than the highest bid submitted

by any person or organization which is not a private, nonprofit, charitable corporation as defined in this subsection, shall be sold the property offered for sale at public auction by the Auditor pursuant to the provisions of this section at the public auction as opposed to the highest bidder.

The nonprofit corporation referred to in this subsection does not include a business organized for profit, a labor union, a partisan political organization, or an organization engaged in religious activities, and it does not include any other group which does not have as its principal purpose the construction of housing or public facilities.

(c) To attain eligibility to bid at a public auction held pursuant to this section, a potential bidder ~~must~~ shall register in advance of such ~~the~~ public auction with the Auditor's office or complete and execute a notarized affidavit affirming that they meet the requirements set forth in this article on the day of the sale. Registration shall be done in accordance with rules promulgated by the State Auditor's office. The Auditor may deregister or refuse to register a potential bidder who:

(1) Has failed to make a payment owed at a prior auction held pursuant to this section within the preceding five years;

(2) At the time of ~~registration~~ the certification of sale to the state pursuant to §11A-3-44 of this code is delinquent in the payment of real property tax for a period of one or more years, for which registrant is the ~~most recent~~ owner of record of a property being certified for sale, to any county in this state;

(3) Has a history of noncompliance with code enforcement violations issued by a county or municipality pursuant to §7-1-3ff and §8-12-16 of this code, which includes violations issued for any property owned by the same property owner who has failed to comply with five or more code enforcement orders within the preceding five years prior to the auction;

(4) At the time of ~~registration~~ the certification of sale to the state pursuant to §11A-3-44 of this code is subject to legal proceedings in any court of in any county or municipality in this state or appeals thereof that are related to code enforcement violations regarding real property owned by

him or her; and

(5) Within the preceding five years prior to the auction, has failed to comply with a valid raze or repair order (or any other similar order) issued by a county or municipality.

(d) Potential bidders who are domestic or foreign entities as defined in Chapters 31B, 31D, and 31E of this code ~~must~~ shall show proof at the time of their registration that they properly registered with the Secretary of State's office and are authorized to conduct business in this state.

(e) In order to effectuate the purposes of this section, the Auditor may promulgate procedural rules, interpretive rules, and legislative rules, including emergency rules, or any combination thereof, in accordance with §29A-3-1 *et seq.* of this code.

§11A-3-48. Unsold lands subject to sale without auction or additional advertising.

(a) If any of the lands which have been offered for sale at the public auction provided in §11A-3-45 of this code ~~shall~~ remain unsold following ~~such~~ the auction, or were sold at a tax sale auction within the previous five years which were not redeemed and for which no deed was secured by the purchaser, or if the Auditor refuses to approve the sale pursuant to §11A-3-51 of this code, the Auditor may sell the lands without any further public auction or additional advertising of the land, in the following priority:

(1) To a person vested with an ownership interest in an adjacent tract or parcel of land: *Provided*, That if more than one adjacent landowner desires to acquire the same tract or lot, then the Auditor shall sell such tract or lot to the highest bidder; (2) to the municipality in which the tract or lot is located; (3) the county commission of the county in which the tract or lot is located; (4) to the West Virginia Land Stewardship Corporation as part of its Land Bank Program set forth in §31-21-11 of this code; or (5) to any party willing to purchase such property.

(b) The price of ~~such~~ the property shall be as agreed upon by the Auditor and purchaser: *Provided*, That the Auditor may engage a licensed attorney to provide a title examination on lands set forth in the preceding subsection and require that a purchaser reimburse the Auditor for any expenses related to the title examination as a condition for the sale: *Provided, however*, That

instead of the Auditor, a purchaser may engage a licensed attorney to provide a title examination at his or her own cost.

(c) The Auditor may refuse to sell unsold lands to a potential buyer that is subject to any of the following:

(1) Has failed to make a payment owed at a prior previous auction held pursuant to §11A-3-45 of this code within the preceding five years;

(2) At the time of ~~registration~~ the certification of sale to the state pursuant to §11A-3-44 of this code is delinquent in the payment of real property tax for a period of one or more years, for which registrant is the ~~most recent~~ owner of record of a property being certified for sale, to any county in this state;

(3) Has a history of noncompliance with code enforcement violations issued by a county or municipality pursuant to §7-1-3ff and §8-12-16 of this code, which shall include violations issued for any property owned by the same property owner who has failed to comply with five or more code enforcement orders within the preceding five years prior to the purchase;

(4) At the time of ~~registration~~ the certification of sale to the state pursuant to §11A-3-44 of this code is subject to legal proceedings in any court of in any county or municipality in this state or appeals thereof that are related to code enforcement violations regarding real property owned by him or her; and

(5) Within the preceding five years prior to the purchase, has failed to comply with a valid raze or repair order (or any other similar order) issued by a county or municipality.

NOTE: The purpose of this bill is to clarify terms of registration for tax abandoned land auctions and sales held by the Auditor.

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