

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4056

By Delegate Mallow

[Introduced January 14, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §7-28-1; and to amend said code by adding a new article, designated §8-20B-
3 1, relating to unsafe real property conditions in counties or municipalities; providing a
4 process by which county commissions may compel the cleanup of hazardous real property
5 conditions; providing a power to assert a lien if a real property owner fails to comply with a
6 hazardous condition resolution by a county commission; providing a hearing and appeals
7 process regarding unsafe condition determinations made by county commissions;
8 providing a process by which local governing bodies may compel the cleanup of
9 hazardous real property conditions; providing a power to assert a lien if a real property
10 owner fails to comply with a local governing body's hazardous condition resolution; and
11 providing a hearing and appeals process on unsafe condition determinations made by
12 local governing bodies.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 28. POWER OF COUNTY COMMISSION REGARDING DILAPIDATED REAL PROPERTY.

§7-28-1. Power of county commission to compel removal or cleanup of hazardous real property conditions.

1 (a) Whenever any building or structure is ruined, damaged and dilapidated, or any premise
2 is covered with ruins, rubbish, wreckage, or debris, the county commission of which the county in
3 which the property is located may, by resolution, find that the ruined, damaged, and dilapidated
4 building, structure or premise is a hazard to the public comfort, health, peace or safety. The county
5 commission may then, by resolution, require removal of the building, structure, ruins, rubbish,
6 wreckage, or debris.
7 (b) A copy of the resolution shall be served:

8 (1) Personally, to the owner of record with the county clerk, by the county sheriff.

9 (2) If the owner cannot be served within the county, a copy of the resolution shall be posted
10 on the building, structure, or premise, noting the date of posting on the first page. A copy of the
11 resolution shall also be mailed by certified mail to the last known address of the owner.

12 (c) Within 15 days of receipt of personal service or service by mail and posting, the owner
13 of the building, structure, or premise shall commence removing the building, structure, ruin,
14 rubbish, wreckage, or debris. If the owner objects to the resolution, the owner may file a written
15 objection with the county commission asking for a hearing before the county commission.

16 (d) If a written objection is filed as required in subsection (c) of this section, the county
17 commission shall:

18 (1) Schedule a hearing on its resolution and the objection and notify the owner of the
19 hearing date by mail;

20 (2) Consider all evidence for and against the removal resolution at the hearing; and

21 (3) Determine if its resolution should be enforced or rescinded.

22 (e) Any person aggrieved by the determination of the county commission may appeal to
23 the circuit court by:

24 (1) Giving notice of appeal to the county commission within 10 days following the
25 determination made by the county commission; and

26 (2) Filing a petition in the circuit court within 30 days after the determination made by the
27 county commission. The circuit court shall hear the matter and enter judgment in accordance with
28 its findings.

29 (f) The county commission may remove the building, structure, ruins, rubbish, wreckage,
30 or debris at the cost and expense of the owner if the owner fails to commence removing the
31 building, structure, ruins, rubbish, wreckage or debris:

32 (1) Within 15 days of being served a copy of the resolution; or

33 (2) Within 10 days after a hearing by the governing body which determined that the

34 resolution shall be enforced; or

35 (3) Within 10 days after the circuit court enters judgment sustaining the determination of
36 the county commission.

37 (g) The reasonable cost of the removal shall constitute a lien against the building,
38 structure, ruin, rubbish, wreckage, or debris so removed and against the lot or parcel of land from
39 which it was removed and shall be filed with the county clerk.

40 (h) Any person or firm removing any condemned building, structure, wreckage, rubbish, or
41 debris at the instruction of the county commission shall leave the premises from which the material
42 has been removed in a clean, level, and safe condition, suitable for further occupancy or
43 construction and with all excavations filled.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 20B. POWER OF MUNICIPALITY REGARDING DILAPIDATED REAL PROPERTY.

§8-20B-1. Power of municipality to compel removal or cleanup of hazardous real property conditions.

1 (a) As used in this section:

2 (1) "Municipality" means any municipality, as defined by §8-1-2 of this code, or any local
3 consolidated local government, as defined in §7A-1-3 of this code.

4 (2) "Governing body" means the body charged with the responsibility of enacting laws and
5 determining public policy of the municipality, as defined by §8-1-2 of this code, or consolidated
6 local government, as defined by §7A-1-3 of this code.

7 (b) Whenever any building or structure is ruined, damaged and dilapidated, or any premise
8 is covered with ruins, rubbish, wreckage, or debris the governing body of the municipality of which
9 the property is located may, by resolution, find that the ruined, damaged and dilapidated building,
10 structure or premise is a hazard to the public comfort, health, peace or safety. The governing body

11 may then require, by resolution, removal of the building, structure, ruins, rubbish, wreckage, or
12 debris.

13 (c) A copy of the resolution shall be served:

14 (1) Personally, to the owner of record with the county clerk, by constable or county sheriff.

15 (2) If the owner cannot be served within the county, a copy of the resolution shall be posted
16 on the building, structure, or premise, noting the date of posting on the first page. A copy of the
17 resolution shall also be mailed by certified mail to the last known address of the owner.

18 (d) Within 15 days or receipt of personal service or service by mail, the owner of the
19 building, structure, or premise shall commence removing the building, structure, ruin, rubbish,
20 wreckage or debris. If the owner objects to the resolution the owner may file a written objection
21 with the governing body asking for a hearing before the governing body.

22 (e) If a written objection is filed as required in subsection (c) of this section, the governing
23 body shall:

24 (1) Schedule a date for a hearing on its resolution and the objection, notifying the owner of
25 such date by mail;

26 (2) Consider all evidence for and against the removal resolution at the hearing; and

27 (3) Determine if its resolution should be enforced or rescinded.

28 (f) Any person aggrieved by the determination of the governing body may appeal to the
29 circuit court by:

30 (1) Giving notice of appeal to the governing body within 10 days after the determination
31 made by the governing body; and

32 (2) Filing a petition in the circuit court within 30 days after the determination made by the
33 governing body. The circuit court shall hear the matter and enter judgment in accordance with its
34 findings.

35 (g) The governing body may remove the building, structure, ruins, rubbish, wreckage, or
36 debris at the cost and expense of the owner if the owner fails to commence removing the building,

37 structure, ruins, rubbish, wreckage or debris:

38 (1) Within 15 days of being served a copy of the resolution; or

39 (2) Within 10 days after a hearing by the governing body which determined that the
40 resolution shall be enforced; or

41 (3) Within 10 days after the circuit court enters judgment sustaining the determination of
42 the governing body.

43 (h) The reasonable cost of the removal shall constitute a lien against the building,
44 structure, ruin, rubbish, wreckage, or debris so removed and against the lot or parcel of land from
45 which it was removed and shall be filed with the county clerk.

46 (i) Any person or firm removing any condemned building, structure, wreckage, rubbish, or
47 debris at the instruction of the governing body shall leave the premises from which the material
48 has been removed in a clean, level, and safe condition, suitable for further occupancy or
49 construction and with all excavations filled.

NOTE: The purpose of this bill is to empower county commissions and local governing bodies to compel removal of unsafe real property conditions.

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