

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4962

By Delegates Rohrbach, Criss, Heckert, Lucas,
Chiarelli, Hornby, McCormick, Shamblin, Amos,
Hillenbrand, and Holstein

[Originating in the Committee on the Judiciary;

Reported on February 20, 2026]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §60A-5-510, relating to drug-related nuisances; declaring certain violations of
3 controlled substances law may create a public nuisance; authorizing a county or
4 municipality to file an action to abate the nuisance; clarifying the relief which may be
5 provided by the court; providing factors to be considered in an order of closure of a
6 property; and creating civil penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS.

§60A-5-510. Drug related nuisances.

1 (a) Any property, in whole or in part, used or intended to be used to facilitate any violation of
2 this chapter or any similar ordinance of any municipality in this state or a similar act of the United
3 States or any other state or the use, sale, distribution, possession, storage, transportation, or
4 manufacture of any controlled substances in violation of this chapter, or similar act of the United
5 States or any other state, is a public nuisance and may be proceeded against under this section.

6 (b) If a nuisance exists, county or municipality where the property is located may maintain
7 an action in the circuit court to abate the nuisance and to perpetually enjoin every person guilty of
8 creating or maintaining the nuisance, the owner, lessee or tenant of the building or structure where
9 the nuisance exists and the owner of the land upon which the building or structure is located, from
10 continuing, maintaining or permitting the nuisance.

11 (c) If the existence of the nuisance is shown in the action to the satisfaction of the court,
12 either by verified complaint or affidavit, the court shall issue a temporary injunction to abate and
13 prevent the continuance or recurrence of the nuisance, including the issuance of an order
14 requiring the closure of the property. Any temporary injunction issued in an action begun under this
15 subsection shall be issued without requiring a security bond.

16 (d) In ruling upon a request for closure, whether for a defined or undefined duration, the
17 court shall consider all of the following factors:

18 (1) The extent and duration of the nuisance at the time of the request.

19 (2) Prior efforts by the defendant to comply with previous court orders to abate the
20 nuisance.

21 (3) The nature and extent of any effect that the nuisance has upon other persons, such as
22 residents or businesses.

23 (4) The effect of granting the request upon any resident or occupant of the premises who is
24 not named in the action, including the availability of alternative housing or relocation assistance,
25 the pendency of any action to evict a resident or occupant and any evidence of participation by a
26 resident or occupant in the nuisance activity.