

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5320

FISCAL
NOTE

By Delegates G. Howell, Lucas, Roop, Butler, Clay,
Jennings, Canterbury, Dean, Bridges, Cooper, and
Parsons

[Introduced February 09, 2026; referred to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §8A-14-1, §8A-14-2, §8A-14-3, §8A-14-4, §8A-14-5, and §8A-14-6, relating to
 3 land use; providing a short title; providing a legislative purpose; providing definitions;
 4 providing protections when subdividing land; establishing limitations on local road
 5 construction requirements; and creating civil remedies.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. WELCOME ACT.

§8A-14-1. Short title.

1 This article shall be known as the West Virginia Enhanced Land Classification for
 2 Optimized Market Entry Act and cited as the "WELCOME ACT".

§8A-14-2. Legislative purpose.

1 The purpose of this article is to address the housing shortage and encourage residential
 2 development through tax classification assessment changes by allowing a subdivision to retain its
 3 original tax classification until lots are sold.

§8A-14-3. Definitions.

1 For the purposes of this article:

2 "Access road" means the specific state-maintained or municipal-maintained road from
 3 which a subdivided parcel obtains ingress and egress.

4 "Further subdivision" means any additional division of a parcel after an initial division or
 5 conveyance, except where restricted by valid deed covenants under §8A-14-4(f) of this code.

6 "Imminent programmed improvement" means a Division of Highways (DOH) project listed
 7 in the Statewide Transportation Improvement Program (STIP) or Division of Highways' plan, with
 8 funding allocated for preliminary engineering, right-of-way, and construction funding encumbered.

9 "Subdivision" means the division or redivision of land as defined in §8A-1-2 of this code.

§8A-14-4. Protection of the Right to Further Subdivide Land.

1 (a) No county or municipality may adopt or enforce any ordinance, rule, or policy that

2 prohibits or restricts a property owner from further subdividing land after selling or conveying any
3 portion of a parcel.

4 (b) The sale or conveyance of part of a parcel does not classify the remaining parcel or the
5 conveyed parcel as a formal subdivision for the purpose of restricting future division.

6 (c) Access requirement. – Any new parcel created through subdivision must include a
7 defined, reasonable right-of-way providing 24/7 vehicular access to a state, municipal, or private
8 road. The right-of-way must:

9 (1) Permit future construction of a road if desired;

10 (2) Allow practical, continuous ingress and egress; and

11 (3) Permit emergency vehicle access, whether directly or through future road construction.

12 Construction of the road is not required, only the right-of-way.

13 (d) Local governments may require filing, mapping, and utility coordination, but may not
14 deny a subdivision because the parcel was previously divided or was never part of a recorded
15 subdivision plat.

16 (e) Distinction between casual division of property and formal subdivisions. – The
17 protections in this section apply to individual splits of land, "casual division," or other non-platted
18 subdivisions. This section does not apply to the internal lots of a formally recorded, platted
19 subdivision where the developer has voluntarily established deed covenants or restrictions limiting
20 further subdivision.

21 (f) Valid deed covenants preserved. – Nothing in this article may be interpreted to
22 invalidate or override deed restrictions, covenants, or homeowner association rules that properly
23 limit or prohibit further subdivision within a recorded subdivision plat. Property subject to such
24 covenants remains bound by them.

25 (g) Any ordinance inconsistent with this section is void.

§8A-14-5. Limitation on Local Road Construction Requirements.

1 (a) A county or municipality may not require any internal road within a subdivision or land

2 development to exceed the construction, pavement thickness, design standard, lane width,
3 shoulder width, or right-of-way width of the specific state or municipal maintained access road.
4 Private roads may not be used as a design comparison.

5 (b) Only the standard of the actual access road applies, not the standard of other roads in
6 the area.

7 (c) Exception. – Internal roads may meet, but not exceed, the standard of an imminent
8 programmed improvement for the access road.

9 (d) A local government invoking §8A-14-5 (c) of this code must document:

10 (1) The DOH STIP or project ID;

11 (2) Written confirmation of the improvement standard; and

12 (3) Evidence that construction funding has been encumbered.

13 (e) Higher standards may not be imposed based on speculative or unfunded future
14 projects.

15 (f) Roads intended for DOH dedication must meet DOH standards exclusively.

16 (g) Conflicting ordinances are void.

17 (h) Cancellation protection. – If DOH delays, changes, or cancels an imminent
18 programmed improvement after approval:

19 (1) The county is not liable for additional construction costs; and

20 (2) No claim may be brought for the locality’s good-faith reliance on DOH information.

§8A-14-6. Enforcement and remedies.

1 (a) A property owner or developer aggrieved by a violation may seek:

2 (1) Declaratory relief;

3 (2) Injunctive relief;

4 (3) Recovery of reasonable attorney’s fees;

5 (4) Reclamation of additional costs resulting from unlawful road standards, including:

6 (A) Excess construction or materials;

- 7 (B) Excess engineering or design;
- 8 (C) Excess right-of-way width; and
- 9 (D) Any other documented excess cost.
- 10 (b) Courts may award damages sufficient to make the developer whole.

NOTE: The purpose of this bill is to address the housing shortage and encourage residential development by allowing a subdivision to retain its original tax classification until individual lots are sold.

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