

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5602**

By Delegates Funkhouser, Chiarelli, White, Petitto,  
and Linville

[Introduced February 16, 2026; referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding a new  
 2 article, designated §8-12A-1, §8-12A-2, §8-12A-3, §8-12A-4, §8-12A-5, §8-12A-6, §8-  
 3 12A-7, §8-12A-8, §8-12A-9, §8-12A-10, and §8-12A-11, relating to authorizing municipal-  
 4 to-county annexation of undeveloped property in West Virginia; providing for a short title  
 5 and purpose; providing for definitions; providing for the authority for Municipal-to-County  
 6 Annexation; providing for eligibility requirements; providing for an application process;  
 7 providing for county commission review; providing for county development authority;  
 8 providing for the effect of annexation; providing for judicial review; providing for  
 9 severability; and providing for an effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12A. AUTHORIZING MUNICIPAL-TO-COUNTY ANNEXATION OF**  
**UNDEVELOPED PROPERTY IN WEST VIRGINIA.**

**§8-12A-1. Short Title and Purpose.**

1 This Act may be cited as the "Municipal-to-County Annexation Act."  
 2 The purpose of this Act is to provide a statutory mechanism allowing property owners of  
 3 undeveloped or unimproved land located within municipal boundaries to petition for annexation of  
 4 their property into the county, subject to consent requirements and eligibility for potential  
 5 acquisition by county development authorities.

**§8-12A-2. Definitions.**

1 For purposes of this Act:  
 2 "Municipality" means any incorporated city, town, or village in West Virginia.  
 3 "County" means the county in which the municipality or the major portion thereof is located.  
 4 "Undeveloped land" means real property that contains less than two percent of impervious  
 5 surfaces.  
 6 "County development authority" means any development or redevelopment authority

7 established pursuant to West Virginia law with jurisdiction in the county.

8 "Property owner" means any person or entity holding fee simple title to real property.

**§8-12A-3. Authority for Municipal-to-County Annexation.**

1 Notwithstanding any other provision of law, undeveloped property located within the  
2 corporate limits of a municipality may be annexed into the unincorporated area of the county in  
3 accordance with the provisions of this Act.

4 The Legislature hereby delegates to county commissions the authority to approve  
5 municipal-to-county annexations under this Act, consistent with the constitutional authority to  
6 delegate annexation powers to local governmental entities.

**§8-12A-4. Eligibility Requirements.**

1 Property shall be eligible for municipal-to-county annexation under this Act only if:

2 The property consists entirely of undeveloped or unimproved land as defined in Section 2  
3 of this Act;

4 The property owner consents to the annexation in writing;

5 The county commission consents to the annexation by resolution; and

6 The property is potentially eligible for purchase by a county development authority, either  
7 immediately or within five years of the annexation.

**§8-12A-5. Application Process.**

1 A property owner seeking municipal-to-county annexation shall file an application with the  
2 county commission that includes:

3 An accurate map showing the metes and bounds of the property to be annexed;

4 A written affidavit of consent to the annexation signed by all property owners;

5 Documentation demonstrating that the property meets the undeveloped land criteria;

6 A statement from a county development authority indicating the property's potential  
7 eligibility for future acquisition; and

8 Payment of all application fees established by the county commission.

9           The municipality shall be provided notice of any application filed under this section and  
10 may file written comments or objections within 30 days of such notice.

**§8-12A-6.           County           Commission           Review           and           Approval.**

1           Upon receipt of a complete application, the county commission shall determine whether  
2 the application meets the requirements of this Act.

3           The county commission shall hold a public hearing on the application, with notice  
4 published as a Class II legal advertisement at least 14 days prior to the hearing.

5           The county commission may approve the application by resolution if it finds that:

6           All requirements of this Act have been met;

7           The annexation serves a legitimate public purpose; and

8           The annexation will not adversely impact the provision of public services.

9           If the county commission approves the application, it shall enter an order describing the  
10 property to be annexed and the effective date of the annexation.

**§8-12A-7.           County           Development           Authority           Purchase           Option.**

1           Following approval of a municipal-to-county annexation under this Act, the applicable  
2 county development authority shall have a right of first refusal to purchase the annexed property  
3 for a period of five years.

4           The right of first refusal shall be exercised at fair market value as determined by  
5 independent appraisal.

6           The property owner shall provide the county development authority with 60 days' written  
7 notice before accepting any offer to purchase the property during the five-year period.

**§8-12A-8.                           Effect                           of                           Annexation.**

1           Upon the effective date of an annexation order under this Act:

2           The property shall be removed from the corporate limits of the municipality;

3           The property shall become part of the unincorporated area of the county;

4           The county shall assume responsibility for providing governmental services to the

5 property; and

6 The property shall be subject to county zoning and land use regulations.

**§8-12A-9. Judicial Review.**

1 The determination of a county commission under this Act shall be reviewable by the circuit  
2 court of the county upon certiorari in accordance with the provisions of West Virginia Code  
3 Chapter 53, Article 3.

**§8-12A-10. Integration with Existing Law.**

1 This Act supplements existing annexation procedures and does not affect the authority of  
2 municipalities to annex territory under West Virginia Code Chapter 8, Article 6.

**§8-12A-11. Effective Date.**

1 This Act shall take effect 90 days after passage.

NOTE: The purpose of this bill is to provide a statutory mechanism allowing property owners of undeveloped or unimproved land located within municipal boundaries to petition for annexation of their property into the county.

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