

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5632

By Delegates Flanigan, Pritt, Mallow, Shamblin,

Stephens, G. Ward, Marple, and Holstein

[Introduced February 16, 2026; referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §8A-13-1, §8A-13-2, and §8A-13-3 of the code of West Virginia,
 2 1931, as amended, relating to local permitting deadlines; expanding the deadlines to
 3 ensure the petitioners have adequate time for review and approval by local administrators;
 4 and eliminating conflicts with other legal notice requirements for the type of approvals
 5 required under chapter 8A.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. LOCAL PERMITTING DEADLINES.

§8A-13-1. Definition.

1 For purposes of this article, "request" means an application for a permit, license, variance,
 2 or any other type of prior approval from a governing body or planning commission of a municipality
 3 or county for an action related to the development or improvement of property authorized under
 4 §8A-1-1 et seq. of this code.

§8A-13-2. Deadline.

1 (a) If an applicant submits a request to a governing body or planning commission of a
 2 municipality or county, then the governing body or planning commission of the municipality or
 3 county must approve or deny the applicant's request within 60 days. The following applies if:

4 (1) The governing body or planning commission fails to approve or deny the applicant's
 5 request within 60 days, then the request is approved: Provided, That nothing in this article shall be
 6 construed as to abrogate any required public notice.

7 (2) The time limit in this section begins upon the governing body or planning commission's
 8 receipt of a request from an applicant.

9 (3) The governing body or planning commission approves the request, then the governing
 10 body or planning commission may not impose on the applicant additional requirements related to
 11 the request: Provided, however, That if an applicant submits amendments to previously approved
 12 plans or petitions, those amendments may be considered a new request.

13 (4) The governing body or planning commission denies the request, then the governing

14 body or planning commission must provide the applicant a statement in writing of the reasons for
15 the denial.

16 (5) A governing body or planning commission denies a request for being incomplete, then
17 the governing body or planning commission must provide the applicant a statement in writing of
18 the reasons the request is incomplete. The request is incomplete if the request fails to contain all
19 information required by law or by a previously adopted rule, ordinance, or policy.

§8A-13-3.

Extension.

1 The time limit in §8A-13-2 of this code may be extended. The following applies:

2 The time limit in §8A-13-2 of this code is extended if a request requires prior approval of a
3 state or federal agency. The time limit is extended to ~~60~~ 120 days after the required prior approval
4 is granted. The extension may not exceed ~~60~~ 120 days, unless approved by the applicant.

5 An applicant may request an extension in writing.

NOTE: The purpose of this bill is to expand the deadlines for permitting to ensure the petitioners have adequate time for review and approval by local administrators and eliminate conflicts with other legal notice requirements for the type of approvals required under chapter 8A.

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