

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1072

FISCAL
NOTE

By Senator Thorne

[Introduced February 23, 2026; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new chapter,
 2 designated §31K-1-1, §31K-1-2, §31K-1-3, §31K-1-4, §31K-1-5, §31K-2-1, §31K-3-1, and
 3 §31K-3-2, relating to land use associations; providing short title; defining terms;
 4 establishing construction of chapter; providing statement of purpose; requiring liability
 5 insurance; creating West Virginia Land Use Association Division; mandating registration of
 6 land use associations with Secretary of State; setting fee for registration; and prescribing
 7 content of registration form.

Be it enacted by the Legislature of West Virginia:

CHAPTER 31K. LAND USE ASSOCIATIONS.

ARTICLE 1. GENERAL PROVISIONS.

§31K-1-1. Short title.

1 This chapter is and may be cited as the West Virginia Land Use Association Responsibility
 2 Act.

§31K-1-2. Definitions.

1 As used in this chapter:
 2 "Community" or "Common interest community" means real estate described in a
 3 declaration with respect to which a person, by virtue of a person's ownership of a unit, is obligated
 4 to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or
 5 services or other expenses related to, common elements, other units, or other real estate
 6 described in the declaration.

7 "Declaration" or "declaration of covenants" means a recorded instrument in the nature of
 8 covenants running with the land that subjects the land composing the community to the jurisdiction
 9 and control of an association in which the owners of the parcels, or their association members,
 10 must be members.

11 "Land Use Association" or "LUA" means a West Virginia legal entity responsible for the

12 operation of a community in which the voting membership is made up of parcel owners or their
 13 agents, or a combination thereof, and in which membership is a mandatory condition of parcel
 14 ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on
 15 the parcel. The term "land use association" includes homeowners' associations, unit owners'
 16 associations as defined §36B-1-1 et seq. of this code, and condominium and unit property councils
 17 as defined in §36A-1-1 et seq. of this code.

18 "Parcel" means a platted or unplatted lot, tract, unit, or other subdivision of real property
 19 within a community, as described in the declaration and to which the following apply:

20 (1) Is capable of separate conveyance; and

21 (2) The parcel owner is obligated:

22 (A) By the governing documents to be a member of an association that serves the
 23 community; and

24 (B) To pay to the association assessments that, if not paid, may result in a lien on the
 25 parcel.

26 "Preceding year" means the period from and including January 1 through December 31 of
 27 the year prior to the date of registration by an LUA.

§31K-1-3. Construction of chapter.

1 (a) The existence of a provision of this chapter does not of itself create an implication that a
 2 contrary or different rule of law applies to an entity organized pursuant to the provisions of this
 3 code that is not a land use association. This chapter does not affect a statute or rule of law that
 4 applies to an entity that is not a land use association.

5 (b) The specific provisions of this chapter control over the general provisions of other
 6 chapters of this code.

§31K-1-4. Land use association liability.

1 Notwithstanding any provision of code to the contrary, and specifically notwithstanding the
 2 provisions of §36B-3-113 of this code, Land Use Associations or LUAs shall maintain liability

3 insurance with minimum limits of \$200,000. Such insurance shall include coverage for losses or
 4 occurrences for which members of the LUAs or common interest communities may bring legal suit
 5 against the land use association as an entity, its board members, or property managers. In the
 6 event members of the LUAs or common interest communities bring legal suit against the land use
 7 association as an entity, its board members, or property managers, any settlement or award of
 8 damages shall be satisfied by the insurance required under this section.

§31K-1-5. Creation of West Virginia land use association division.

1 By no later than July 1, 2027, the Secretary of State's Office shall create a West Virginia
 2 Land Use Association Division to regulate and oversee land use associations, their board
 3 members, and/or property managers, and to protect the rights of property owners in common
 4 interest communities.

5 The Legislature intends that the West Virginia Land Use Association Division be
 6 authorized to take legal action against registered land use associations or their board members for
 7 violations of applicable articles of incorporation, bylaws, rules and regulations, and declaration of
 8 covenants, conditions, and restrictions (CC&Rs). The Legislature further intends that the division
 9 be authorized to levy penalties against land use associations and their board members for
 10 knowing violations of state and federal law, applicable articles of incorporation, bylaws, rules and
 11 regulations, and declaration of covenants, conditions, and restrictions (CC&Rs).

12 The West Virginia Land Use Association Division shall create an alternative dispute
 13 resolution process for disputes between land use associations, their board members, property
 14 managers and property owners. By no later than December 1, 2027, the Secretary of State's
 15 Office and West Virginia Land Use Association Division shall provide a report to the Legislature on
 16 the proposed organization and structure of the division and components of the proposed
 17 alternative dispute resolution process.

ARTICLE 2. LEGISLATIVE PURPOSE.

§31K-2-1. Legislative statement of purpose.

1 The Legislature finds that land use associations significantly affect the rights and values of
 2 the real property of a significant number of West Virginians and concludes that requiring
 3 registration of those associations in an electronic format and maintaining that information on an
 4 accessible database and website will better allow property owners to ascertain relevant
 5 information about their associations.

ARTICLE 3. REGISTRATION.

§31K-3-1. Registration with Secretary of State; fee.

1 (a) Each land use association shall register on or before July 1 of each year with the Office
 2 of Secretary of State regarding the LUA’s operations for the preceding year.

3 (b) Registration shall be accomplished by completing and submitting a form provided
 4 online by the Secretary of State.

5 (c) A land use association may, if it chooses, register by printing a paper copy of the form,
 6 completing it, and filing it with the Secretary of State.

7 (d) The Office of Secretary of State may charge a fee for processing registration forms
 8 submitted or filed by land use associations and maintaining a database of the forms not to exceed
 9 \$20 for each registration.

10 (e) The Secretary of State shall maintain the forms on its website for at least two years and
 11 shall maintain the forms and information in a searchable database for not less than 10 years.

§31K-3-2. Content of registration form.

1 (a) The LUA registration form shall require, at a minimum, that an LUA provide the
 2 following information:

- 3 (1) The legal name of the LUA;
- 4 (2) The principal mailing address of the LUA;
- 5 (3) The address for service of process on the LUA;
- 6 (4) The names of the board members and/or officers of the LUA; and
- 7 (5) The number of parcels that are included within the LUA.

8 (b) The registration form shall be signed by an officer of the LUA who affirms, subject to the
9 laws of perjury, that the information provided is accurate and complete. An electronic signature
10 may be used.

NOTE: The purpose of this bill relates to land use associations; provides a short title; defines terms; establishes construction of chapter; provides statement of purpose; requires liability insurance; creates West Virginia Land Use Association Division; mandates registration of land use associations with Secretary of State; setting fee for registration; and prescribe content of registration form.

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