

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4484

By Delegates Clark, Funkhouser, Masters, Horst,
Flanigan, Ridenour, Roop, Miller, Phillips, Pritt, and
Hillenbrand

[Originating in the Committee on the Judiciary;

Reported on January 29, 2026]

1 A BILL to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to
2 county commissions; authorizing competitive bidding as an alternative to public auction
3 process; establishing requirements for competitive bidding; authorizing the sale of county-
4 owned real property under certain conditions; and clarifying the authority of the county
5 commission to sell, trade in, or lease property.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. COUNTY PROPERTY.

§7-3-3. Sale of county or district property.

1 (a) Except as may be prohibited by law or otherwise, the county commission of a county is
2 authorized by law to sell or dispose of any property, either real or personal, belonging to the county
3 or held by it for the use of any district thereof. The property shall be sold ~~either~~ at an on-site public
4 auction or by utilizing an Internet-based public auction service, through competitive bidding as
5 provided in subsection (d) of this section, or through the sale of county-owned property to a private
6 party as provided in subsection (e) of this section, and the sale shall be conducted by the president
7 of the county commission, but before making the sale, notice of the time, terms, manner and either
8 the location of the sale or the Internet-based public auction service to be utilized, together with a
9 brief description of the property to be sold, shall be published as a Class II legal advertisement in
10 compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for the
11 publication is the county: *Provided*, That this section does not apply to the sale of any one item of
12 property of less value than \$1,000 \$10 thousand.

13 (b) The provisions of subsection (a) of this section concerning sale at public auction do not
14 apply to a county commission selling or disposing of its property for a public use to:

- 15 (1) The United States of America, its instrumentalities, agencies or political subdivisions;
- 16 (2) The State of West Virginia, or its political subdivisions, including county boards of
17 education, volunteer fire departments, and volunteer ambulance services; or
- 18 (3) Any community center organization already in existence on the effective date of the

19 amendments to this section made during the 2020 Regular Session of the Legislature or nonprofit
20 senior center organization, or any authority, commission, instrumentality, or agency established by
21 act of the State of West Virginia or any of its political subdivisions.

22 (4) For all sales made pursuant to this subsection, county commissions are not required to
23 exclusively consider the present commercial or market value of the property; and

24 (5) A sale under the provisions of this subsection may not be for less than \$1.

25 (c) For all real property conveyed or sold by a county commission to a volunteer fire
26 department, volunteer ambulance service, or any nonprofit community center organization or
27 nonprofit senior center organization or any other authority, commission, instrumentality or agency,
28 under the provisions of subsection (b) of this section, the real property shall revert back to the
29 county commission if the volunteer fire department, volunteer ambulance service, nonprofit
30 community center organization or nonprofit senior center organization, authority, commission,
31 instrumentality or agency proposes to dispose of the property, unless the county commission
32 explicitly disclaims this reversionary right in writing in the deed of conveyance.

33 (d) The county commission may use the competitive bidding process in this subsection as
34 an alternative to the public auction process.

35 (1) The minimum sales price for the county commission to sell property under this
36 subsection shall be one and one-half times the assessed value of the property based on the most
37 recent tax assessed year pursuant to §11-3-1 et seq. of this code or based on a third-party
38 appraisal conducted by a state-licensed real estate appraiser.

39 (2) The bidding requirements:

40 (A) The county commission shall solicit bids by public notice published as a Class II legal
41 advertisement in compliance with the provisions of §59-3-1 et seq. of this code;

42 (B) All qualified bidders shall be afforded equal opportunity to submit bids;

43 (C) The county commission may establish reasonable qualification requirements for
44 bidders, including but not limited to financial capacity, experience, and compliance with applicable

45 laws;

46 (D) Bids shall be sealed and opened publicly at the time and place specified in the notice;

47 (E) The county commission shall develop award criteria;

48 (F) The county commission shall provide notice requirements;

49 (G) The county commission shall maintain record keeping; and

50 (H) The county commission shall provide exclusions.

51 (e) Sale of county-owned property to a private party.

52 (1) Notwithstanding any other provision of this section, a county commission may sell

53 county-owned real property directly to private party purchasers: *Provided*, That the purchase price

54 is at least 75 percent of the property's appraised value as determined by:

55 (A) the county assessor; or

56 (B) a third-party appraisal conducted by a state-licensed real estate appraiser.

57 (2) Prior to formally considering any offers under this subsection, the county commission

58 shall publish a Class II legal advertisement in compliance with §59-3-2 of this code. The

59 advertisement shall:

60 (A) run once a week for two consecutive weeks in a qualified newspaper published within

61 the county;

62 (B) include a description of the property, the proposed method of sale, and the minimum

63 acceptable purchase price; and

64 (C) state the time, date, and location at which the county commission will act upon the

65 proposed sale.

66 (3) After the property is sold, the county commission shall publish on its official website all

67 formal offers received for the property, including the name of each offeror and the dollar amount

68 offered. The listing shall remain posted on the county's website for no fewer than 30 days following

69 the commission's approval of the sale.

70 (f) In all other cases involving a sale, any county commission is hereby empowered and

71 authorized to sell any of its real or personal property or any interest therein or any part thereof for a
72 fair and adequate consideration, the property to be sold at public auction at a place designated by
73 the governing body, or by using an Internet-based public auction service, but before making any
74 sale, notice of the time, terms, and place of sale, together with a brief description of the property to
75 be sold, shall be published as a Class II legal advertisement in compliance with the provisions of
76 §59-3-1 et seq. of this code and the publication area for the publication shall be the county
77 commission. The requirements of notice and public auction shall not apply to the sale of any one
78 item or piece of property of less value than \$10 thousand and under no circumstances shall the
79 provisions of this section be construed as being applicable to any transaction involving the trading
80 in of county-owned property on the purchase of new or other property for the county commission
81 and every county commission shall have plenary power and authority to enter into and
82 consummate any trade-in transaction.

83 (g) In all other cases involving a lease, any county commission is hereby empowered and
84 authorized to lease as lessor any of its real or personal property or any interest therein or any part
85 thereof for a fair and adequate consideration and for a term not exceeding 50 years. Every lease
86 shall be authorized by resolution of the governing body of the county commission, which resolution
87 may specify terms and conditions which must be contained in such lease: *Provided*, That before
88 any proposed lease is authorized by resolution of the governing body, a public hearing on the
89 proposed lease shall be held by the governing body after notice of the date, time, place and
90 purpose of the public hearing has been published as a Class I legal advertisement in compliance
91 with the provisions of §59-3-1 et seq. of this code and the publication area for the publication shall
92 be the county commission. The power and authority granted in this subsection shall be in addition
93 to, and not in derogation of, any power and authority vested in any county commission under any
94 constitutional or other statutory provision now or hereafter in effect.

NOTE: The purpose of this bill is to allow county commissions to have the same flexibility to sell or

lease property as municipalities.

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