

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 533

By Senators Morris, Azinger, and Bartlett

[Introduced January 20, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §35-1-6, relating to disaffiliation from religious denominations and property of
3 religious organizations; requiring a two-thirds vote of the membership for disaffiliation;
4 establishing classes of property for purposes of disaffiliation; treating each separately
5 deeded parcel of real property as a distinct unit for Class A purposes; providing that a local
6 religious organization that disaffiliates from a parent religious denomination or conference
7 may retain ownership of each parcel of real property (Class A) if more than 50 percent of
8 the costs for acquiring and improving that specific parcel were raised locally by or from the
9 organization, subject to reimbursement of investments made by the parent religious
10 denomination or conference; providing for ownership of chattel and personal property
11 (Class B) based on the purchaser; providing for pro-rata ownership of intangible property
12 (Class C) based on sources of funds over a two-year lookback period; providing a catch-all
13 provision for classification of property by a court, mediator, or arbitrator; establishing a
14 burden of proof on the parent religious denomination or conference; requiring the parent
15 religious denomination or conference to provide accounting within a specified timeline; and
16 providing for severability and application to affiliations entered into or reaffirmed on or after
17 the effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. RELIGIOUS ORGANIZATIONS.

§35-1-6. Disaffiliation from religious denominations; retention and division of property.

1 (a) For the purposes of this section:

2 (1) "Class A property" means real estate, including land, buildings, and fixtures attached
3 thereto. Each separately deeded parcel of real property shall be treated as a distinct unit of Class
4 A property.

5 (2) "Class B property" means chattel and personal property, including furniture,
6 equipment, vehicles, and other tangible movable items.

7 (3) "Class C property" means intangible property, including investments, certificates of
8 deposit, cash, bonds, bank accounts, and similar financial assets.

9 (4) "Membership" means the persons entitled to vote in the governance of the local
10 religious organization under its bylaws or governing documents.

11 (b) Disaffiliation under this section is effective only if approved by at least two-thirds of the
12 membership present and voting at a duly called meeting for that purpose, notice of which has been
13 given in accordance with the organization's governing documents.

14 (c) Upon receipt of a written request for disaffiliation from a local religious organization that
15 includes certification of compliance with subsection (b) of this section, the parent religious
16 denomination or conference shall provide the disaffiliating local religious organization with a full
17 and transparent accounting of all relevant financial contributions and property ownership details
18 within sixty days, as specified in subsections (d), (e), and (f) of this section. This accounting shall
19 distinguish between contributions or purchases made by the parent religious denomination or
20 conference and those made or raised locally by or from the organization.

21 (d) Class A property (real estate):

22 (1) Subject to subdivisions (2) and (3) of this subsection, a local religious organization may
23 disaffiliate from its parent religious denomination or conference and retain ownership of each
24 separately deeded parcel of Class A property if more than 50% of the total costs for the acquisition
25 and improvement of that specific parcel were raised locally by or from the organization, excluding
26 any funds provided by the parent religious denomination or conference.

27 (2) A disaffiliating local religious organization shall reimburse the parent religious
28 denomination or conference for financial investments made by the parent religious denomination
29 or conference for the acquisition, maintenance, or improvement of each separately deeded parcel
30 of Class A property used by the local religious organization in accordance with subdivision (3) of
31 this subsection.

32 (3) (A) The accounting required under subsection (c) of this section shall include details for
33 each separately deeded parcel of Class A property and distinguish between funds contributed by
34 the parent religious denomination or conference and those raised locally by or from the
35 organization to determine eligibility under subdivision (1) of this subsection and the amount of the
36 reimbursement required under subdivision (2) of this subsection.

37 (B) The parent religious denomination or conference bears the burden of proving the
38 amounts of its contributions through documented evidence, such as receipts, financial records, or
39 other verifiable proof.

40 (C) If the parent religious denomination or conference fails to provide the accounting within
41 the sixty-day timeline or fails to meet its burden of proof for any claimed amounts with respect to a
42 specific parcel, the local religious organization shall be presumed to meet the eligibility
43 requirements under subdivision (1) of this subsection for that parcel, and reimbursement shall be
44 waived for any unproven or undocumented amounts related to that parcel.

45 (D) A disaffiliating local religious organization may not be required to reimburse the parent
46 religious denomination or conference for any amounts attributable to financial investments for the
47 acquisition, maintenance, or improvement of any parcel of Class A property made by the local
48 religious organization or raised locally by or from the organization.

49 (e) Class B property (chattel and personal property):

50 (1) Ownership of Class B property shall be retained by the party that purchased or
51 acquired it.

52 (2) The accounting required under subsection (c) of this section shall include details for
53 Class B property, identifying the purchaser or source of acquisition for each item.

54 (3) The parent religious denomination or conference bears the burden of proving its
55 ownership of any disputed Class B property through documented evidence, such as receipts,
56 financial records, or other verifiable proof.

57 (4) If the parent religious denomination or conference fails to provide the accounting within
58 the sixty-day timeline or fails to meet its burden of proof for any claimed items, the local religious
59 organization shall retain ownership of the disputed Class B property.

60 (f) Class C property (intangible property):

61 (1) Ownership of Class C property shall be divided on a pro rata basis based on the
62 sources of funds contributed to or generating the property during the two-year period immediately
63 preceding the date of the written disaffiliation request. If all funds were provided or raised locally by
64 or from the organization during this period, the local religious organization shall retain full
65 ownership. If the parent religious denomination or conference provided funds during this period,
66 the property shall be divided proportionally according to the contributions from local sources
67 versus those from the parent religious denomination or conference.

68 (2) The accounting required under subsection (c) of this section shall include a detailed
69 breakdown of all sources of funds for Class C property over the two-year lookback period,
70 distinguishing between local and parent contributions.

71 (3) The parent religious denomination or conference bears the burden of proving the
72 amounts and sources of its contributions through documented evidence, such as receipts,
73 financial records, or other verifiable proof.

74 (4) If the parent religious denomination or conference fails to provide the accounting within
75 the sixty-day timeline or fails to meet its burden of proof for any claimed contributions, the local
76 religious organization shall retain full ownership of the Class C property.

77 (g) Catch-all provision for property classification:

78 For any property that does not clearly fall within Class A, Class B, or Class C as defined in
79 subsection (a) of this section, a court, mediator, or arbitrator shall determine the appropriate class
80 assignment based on the nature of the property and the principles outlined in this section.

81 (h) Severability and application to future affiliations:

82 (1) If any provision of this section or its application to any person or circumstance is held
83 invalid, the invalidity shall not affect other provisions or applications of this section that can be
84 given effect without the invalid provision or application, and to this end the provisions of this
85 section are severable.

86 (2) This section shall apply to any affiliation, trust relationship, or governing arrangement
87 between a local religious organization and a parent religious denomination or conference that is
88 entered into, reaffirmed, or otherwise remains in effect on or after October 1, 2026. If the
89 application of this section to affiliations, trust relationships, or governing arrangements that existed
90 before October 1, 2026, is held unconstitutional, such holding shall not affect the validity or
91 application of this section to affiliations, trust relationships, or governing arrangements entered
92 into, reaffirmed, or remaining in effect on or after October 1, 2026.

93 (i) This section shall take effect on October 1, 2026.

NOTE: The purpose of this bill is to relates to disaffiliation from religious denominations and generally relates to property of religious organizations; requires a two-thirds vote of the membership for disaffiliation; establishes classes of property for purposes of disaffiliation; treats each separately deeded parcel of real property as a distinct unit for Class A purposes; provides that a local religious organization that disaffiliates from a parent religious denomination or conference may retain ownership of each parcel of real property (Class A) if more than 50 percent of the costs for acquiring and improving that specific parcel were raised locally by or from the organization, subject to reimbursement of investments made by the parent religious denomination or conference; provides for ownership of chattel and personal property (Class B) based on the purchaser; provides for pro rata ownership of intangible property (Class C) based on sources of funds over a two-year lookback period; provides a catch-all provision for classification of property by a court, mediator, or arbitrator; establishes a burden of proof on the parent religious denomination or conference; requires the parent religious denomination or conference to provide accounting within a specified timeline; and provides for severability and application to affiliations entered into or reaffirmed on or after the effective date.

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