

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 411**

**FISCAL  
NOTE**

By Senator Rucker

[Introduced January 15, 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-2-1, §31K-3-1, and §31K-3-2, relating to  
3 land use associations; providing short title; defining terms; establishing construction of  
4 chapter; providing statement of purpose; mandating registration of land use associations  
5 with Secretary of State; setting fee for registration; and prescribing content of registration  
6 form.

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

## **CHAPTER 31K. LAND USE ASSOCIATIONS.**

### **ARTICLE 1. GENERAL PROVISIONS.**

<u>§31K-1-1.</u>	<u>Short</u>	<u>title.</u>
1       This chapter is and may be cited as the West Virginia Land Use Association Registration		
2       Act.		

<u>§31K-1-2.</u>	<u>Definitions.</u>
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.

**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 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 is to mandate registration of land use associations with the Secretary of State's office. The bill provides definitions, a statement of legislative purpose, and the required content of the 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.