WEST VIRGINIA CODE: §5A-13-4

§5A-13-4. Refunds of Late Permits.

(a) Every permitting agency shall, on or before July 1, 2025, report to the secretary:

(1) a list of each type of permit issued under its authority;

(2) an explanation of each step involved in processing a properly completed permit;

(3) the average time from receipt of a permit application until the time it is determined to be complete;

(4) the average time from the completeness determination to approval or disapproval of a permit;

(5) the number of permit applications that have been received, approved, and rejected in the 2024 and 2025 fiscal years;

(6) any statutory or regulatory deadlines related to determining the completeness of an application for a permit or the granting or denial of permits; and

(7) data on processing times and statutory deadlines for comparable permits, licenses, or business registrations in West Virginia's neighboring states.

(b) For any permit that has no statutory or regulatory deadline for determining the completeness of an application, granting an application, or denying an application, the secretary, in consultation with the permitting agency, shall within 60 days of the effective date of this article, propose an emergency rule under §29A-3-15 of this code and a legislative rule under §29A-3-1 *et seq.* of this code for consideration by the Legislature during the 2026 regular session to implement such a deadline and to set expedited deadlines for processing of "fast track" permits.

(c) On and after January 1, 2027, any permitting agency that fails to grant or deny a permit available and applied for through the One-Stop-Shop Permitting Program within the deadline identified under subsection (a) of this section or established under subsection (b) of this section shall refund all fees paid by the applicant for that permit.

(d) The refund provided for under subsection (c) of this section shall be paid by the permitting agency that did not process the permit within the established deadline.

(e) The refund requirements of subsection (c) of this section shall not apply if:

(1) the application for a qualifying permit is incomplete; and

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(2) within 10 business days of identifying the application as incomplete, the permitting agency:

(A) notifies the applicant of the deficiency through the Permitting Dashboard;

(B) provides the applicant 30 days to cure the incomplete application; and

(3) the applicant fails to resubmit a complete application within that time.

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