WEST VIRGINIA CODE: §8-42-3

§8-42-3. Exemptions.

(a) This article does not prohibit a municipality from regulating short-term rentals.

(b)(1)(A) A municipality may require a fee for reviewing applications to create accessory dwelling units; and

(B) The application fee may not exceed $250 for each accessory dwelling unit.

(2) Subdivision (1) of this subsection does not prohibit a municipality from requiring its usual building fees in addition to the application fee.

(c) A policy, regulation, or ordinance in effect on or after January 1, 2027, that applies to an accessory dwelling unit and does not comply with this article is invalid to the extent of its conflict with this article.

(d) A municipality may require an accessory dwelling unit to have:

(1) A will-serve letter from both the water system and the sewer system that serves the primary dwelling; or

(2) Approval from the Department of Health where municipal or private water service or sewer service is not available.

(e) This article does not:

(1) Supersede applicable regulatory requirements; or

(2) Prohibit a municipality from adopting a policy, regulation, or ordinance that is more permissive than the provisions under this article.

WV Legislature