WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED
Committee Substitute for
HOUSE BILL No. 1994

(By Mr. Schifano)

Passed March 13, 1982

In Effect Ninety days from Passage
AN ACT to amend article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nine-a, relating to the powers of public service districts generally; and limiting the right of such public service districts to foreclose upon the premises served by such districts.

Be it enacted by the Legislature of West Virginia:

That article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nine-a, to read as follows:

ARTICLE 13A. PUBLIC SERVICE DISTRICT FOR WATER, SEWERAGE AND GAS SERVICES.

§16-13A-9a. Limitations with respect to foreclosure.

1 No public service district shall foreclose upon the premises served by such district for delinquent fees, rates or charges for which a lien is authorized by sections nine or nineteen of this article except through the bringing and maintenance of a civil action for such purpose brought in the circuit court of the county wherein the district lies. In every such action, the court shall be required to make a finding based upon the
evidence and facts presented that the district prior to the
bringing of such action had exhausted all other remedies for
the collection of debts with respect to such delinquencies. In
no event shall foreclosure procedures be instituted by any such
district or on its behalf unless such delinquency had been in
existence or continued for a period of two years from the
date of the first such delinquency for which foreclosure is
being sought.
The Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within ___________________ this the __________
day of ___________________ , 1982.

[Signature]
Governor