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2011 APR -5 PM 3: 12

OFFICE OF THE CLERK
WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 3185**

(By Delegates Lawrence and Manchin)



Passed March 12, 2011

In Effect Ninety Days From Passage

HB 3185

FILED

2011 APR -5 PM 3: 13

E N R O L L E D

OFFICE OF THE CLERK
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COMMITTEE SUBSTITUTE

FOR

H. B. 3185

(BY DELEGATES LAWRENCE AND MANCHIN)

[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-20-7a, relating to impact fees; providing legislative findings; requiring counties to have an affordable housing component in the county's impact fees ordinance; providing requirements for the affordable housing component; and requiring a vote by the county commission to increase or decrease impact fees.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §7-20-7a, to read as follows:

ARTICLE 20. FEES AND EXPENDITURES FOR COUNTY DEVELOPMENT.

§7-20-7a. Impact fees for affordable housing.

1 (a) The Legislature finds that:

2 (1) There is a lack of affordable housing in counties that
3 impose impact fees because the cost of the fees along with
4 the economic conditions in those counties has resulted in low
5 and moderate income persons, persons on fixed incomes, the
6 elderly and persons with special needs, not being able to
7 obtain safe, decent and affordable housing;

8 (2) A lack of affordable housing affects the ability of a
9 community to develop and maintain strong and stable
10 economies, and impairs the health, stability and self-esteem
11 of individuals and families; and

12 (3) Financing affordable housing particularly in high
13 growth counties is becoming increasingly difficult.

14 For these reasons, it is in the public interest to encourage
15 counties that have imposed impact fees and those considering
16 the imposition of impact fees to fairly assess and discount
17 impact fees so as not to limit safe, decent and affordable
18 housing.

19 (b) On or before July 1, 2012, a county imposing impact
20 fees shall enact an affordable housing component with a
21 discount impact fees schedule, based upon the new homes
22 value compared to the most recent annual single dwelling
23 residential housing index created in section two-b, article
24 one, chapter eleven of this code, to the county's impact fees
25 ordinance. The impact fees schedule shall be updated
26 annually to reflect the changes to the single dwelling
27 residential housing index.

28 (c) The affordable housing component shall:

29 (1) Take into account all the different types of housing,
30 including single family detached, single family attached,
31 duplex, town house, apartment, condominium and
32 manufactured home; and

33 (2) Include a discount for mobile homes, as defined in
34 section one, article one, chapter seventeen-a of this code,
35 based upon the value set out in the National Automobile
36 Dealers Association book.

37 (d) The county commission shall annually approve, by a
38 majority vote, any increase or decrease in the impact fees
39 schedule.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman, House Committee


Chairman, Senate Committee

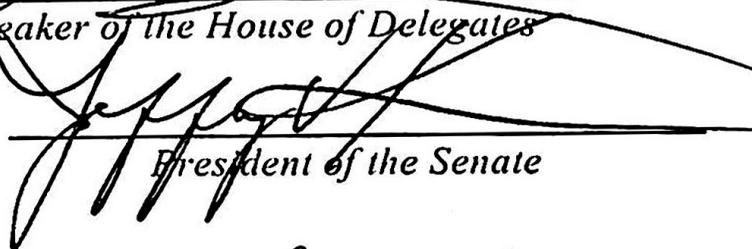
Originating in the House.

To take effect ninety days from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


President of the Senate

The within is approved this the 5th
day of April, 2011.


Governor

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PRESENTED TO THE GOVERNOR

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Time 11:30 am
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