

# WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

**Senate Bill 782**

BY SENATORS SWOPE, JEFFERIES, AND PLYMALE

[Passed March 4, 2024; in effect 90 days from  
passage (June 2, 2024)]

2024 MAR 21 P 3:02  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

FILED

SB782



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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §8A-13-1, §8A-13-2, §8A-13-3, and §8A-13-4, all relating to local permitting  
3 deadlines and extensions for applications for a permit, license, variance, or any other type  
4 of prior approval from a governing body or planning commission of a municipality or county  
5 for an action related to the development or improvement of property.

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

**ARTICLE 13. LOCAL PERMITTING DEADLINES.**

**§8A-13-1. Definition.**

1 For purposes of this article, "request" means an application for a permit, license, variance,  
2 or any other type of prior approval from a governing body or planning commission of a municipality  
3 or county for an action related to the development or improvement of property.

**§8A-13-2. Deadline.**

1 (a) If an applicant submits a request to a governing body or planning commission of a  
2 municipality or county, then the governing body or planning commission of the municipality or  
3 county must approve or deny the applicant's request within 60 days. The following applies if:

4 (1) The governing body or planning commission fails to approve or deny the applicant's  
5 request within 60 days, then the request is approved.

6 (2) The time limit in this section begins upon the governing body or planning commission's  
7 receipt of a request from an applicant.

8 (3) The governing body or planning commission approves the request, then the governing  
9 body or planning commission may not impose on the applicant additional requirements related to  
10 the request.

11 (4) The governing body or planning commission denies the request, then the governing  
12 body or planning commission must provide the applicant a statement in writing of the reasons for  
13 the denial.

14           (5) A governing body or planning commission denies a request for being incomplete, then  
15 the governing body or planning commission must provide the applicant a statement in writing of  
16 the reasons the request is incomplete. The request is incomplete if the request fails to contain all  
17 information required by law or by a previously adopted rule, ordinance, or policy.

**§8A-13-3. Extension.**

1           The time limit in §8A-13-2 of this code may be extended. The following applies:

2           The time limit in §8A-13-2 of this code is extended if a request requires prior approval of  
3 a state or federal agency. The time limit is extended to 60 days after the required prior approval  
4 is granted. The extension may not exceed 60 days, unless approved by the applicant.

5           An applicant may request an extension in writing.

**§8A-13-4. Applicability.**

1           The time limit in §8A-13-2 of this code does not apply to state agencies.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

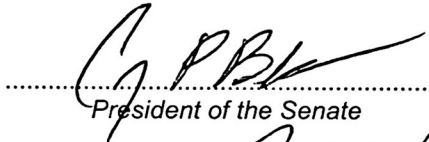
  
Clerk of the Senate

  
Clerk of the House of Delegates

FILED  
2024 MAR 27 P 3:02  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Originated in the Senate.

In effect 90 days from passage.

  
President of the Senate

  
Speaker of the House of Delegates

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The within is approved this the 27<sup>th</sup>  
Day of March 2024.

  
Governor





PRESENTED TO THE GOVERNOR

MAR 11 2024

~~Time~~ 2:09 pm