

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 579

(SENATORS UNGER, COOKMAN, EDGELL, LAIRD, MILLER,
PALUMBO, SNYDER, STOLLINGS AND KESSLER (MR. PRESIDENT),
ORIGINAL SPONSORS)

[PASSED MARCH 8, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

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[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18E-1, §31-18E-2, §31-18E-3, §31-18E-4, §31-18E-5, §31-18E-6, §31-18E-7, §31-18E-8, §31-18E-9, §31-18E-10, §31-18E-11, §31-18E-12, §31-18E-13, §31-18E-14, §31-18E-15, §31-18E-16, §31-18E-17 and §31-18E-18, all relating to improving housing development and land use; authorizing creation of a land reuse agency by West Virginia municipalities, counties or a combination thereof; stating legislative findings; defining terms; providing requirements for the permissive creation and operation of land reuse agencies; detailing certain requirements for a land reuse agency board and staff; requiring certain terms of the land reuse agency be set forth; providing certain immunity to land reuse jurisdictions; setting forth powers and limitations of land reuse agencies; explicitly stating that land reuse agencies do not have the power of eminent domain; detailing criteria for acquisition and disposition of property by land reuse agencies; authorizing certain land reuse agency property as exempt from property tax;

stating land reuse agency funding sources; stating requirements and constraints on disposition of property; detailing potential financing of land reuse agency operations; permitting special allocation of certain property taxes in certain situations; authorizing the issuance of certain bonds; requiring land reuse agencies to follow open meetings and freedom of information requirements; providing a process for dissolution of land reuse agencies; requiring the Ethics Act to apply to land reuse agency employees and board members; providing for expedited quiet of title proceedings in circuit court; providing for liberal construction of the article; and requiring an annual audit and report of all land reuse agencies.

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 article, designated §31-18E-1, §31-18E-2, §31-18E-3, §31-18E-4, §31-18E-5, §31-18E-6, §31-18E-7, §31-18E-8, §31-18E-9, §31-18E-10, §31-18E-11, §31-18E-12, §31-18E-13, §31-18E-14, §31-18E-15, §31-18E-16, §31-18E-17 and §31-18E-18, all to read as follows:

ARTICLE 18E. WEST VIRGINIA LAND REUSE AGENCY AUTHORIZATION ACT.

§31-18E-1. Short title.

- 1 This article may be known and cited as the West Virginia
- 2 Land Reuse Agency Authorization Act.

§31-18E-2. Legislative findings.

- 1 The Legislature finds and declares that:
- 2 (1) Strong communities are important to the social and
- 3 economic vitality of this state. Whether urban, suburban or
- 4 rural, many communities are struggling to cope with vacant,
- 5 abandoned and tax-delinquent properties.

6 (2) Citizens of this state are affected adversely by vacant,
7 abandoned and tax-delinquent properties, including
8 properties which have been vacated or abandoned due to
9 mortgage foreclosure.

10 (3) Vacant, abandoned and tax-delinquent properties
11 impose significant costs on neighborhoods, communities,
12 municipalities and counties by lowering property values,
13 increasing fire and police protection costs, decreasing tax
14 revenues and undermining community cohesion.

15 (4) Vacant, abandoned and tax-delinquent properties
16 contribute to blight, invite crime and pests and provide unsafe
17 play spaces.

18 (5) There is an overriding public need to confront the
19 problems caused by vacant, abandoned and tax-delinquent
20 properties through the creation of new tools to enable
21 municipalities and counties to turn vacant, abandoned and
22 tax-delinquent spaces into vibrant places.

23 (6) Land reuse agencies, often called land banks in other
24 jurisdictions, are one of the tools that municipalities and
25 counties may use to facilitate the return of vacant, abandoned
26 and tax-delinquent properties to productive use.

§31-18E-3. Definitions.

1 As used in this article:

2 (1) “Board” means the board of directors of a land reuse
3 agency;

4 (2) “Deconstruct” means to attempt to remove
5 salvageable pieces of a housing unit prior to or as part of
6 demolition or renovation;

7 (3) “Financial institution” means a bank, savings
8 association, operating subsidiary of a bank or savings
9 association, credit union, association licensed to originate
10 mortgage loans or an assignee of a mortgage or note
11 originated by such an institution;

12 (4) “Land reuse agency” means a public body established
13 under this article;

14 (5) “Land reuse jurisdiction” means: (A) A county or
15 municipality in this state; or (B) two or more municipalities
16 or counties that enter into an intergovernmental cooperation
17 agreement to establish and maintain a land reuse agency;

18 (6) “Municipality” means a municipality as defined in
19 section two, article one, chapter eight of this code; and

20 (7) “Real property” means all lands, including
21 improvements and fixtures on them and property of any
22 nature appurtenant to them or used in connection with them
23 and every estate, interest and right, legal or equitable, in
24 them, including terms of years and liens by way of
25 judgment, mortgage or otherwise, and indebtedness secured
26 by the liens.

§31-18E-4. Creation and existence.

1 (a) *Authority.* – A land reuse jurisdiction may elect to
2 create a land reuse agency by the adoption of an ordinance to
3 create a binding legal obligation. The ordinance must specify
4 the type of entity created and the following:

5 (1) The name of the land reuse agency;

6 (2) The number of members of the board;

7 (3) The names of individuals to serve as initial members
8 of the board;

9 (4) The qualifications, manner of selection or
10 appointment and terms of office of members of the board;

11 (5) The manner by which residents will be provided an
12 opportunity to have input into the land reuse agency
13 decision-making process; and

14 (6) Additional terms and conditions the land reuse
15 jurisdiction deems reasonable and necessary for operation of
16 the land reuse agency that are not inconsistent with this
17 article.

18 (b) *Filing.* – The governing body of the land reuse
19 jurisdiction which creates a land reuse agency shall file a
20 copy of the ordinance with the West Virginia Housing
21 Development Fund and with the Secretary of State. After
22 receipt of the ordinance, the Secretary of State shall issue the
23 appropriate documentation indicating the formation of the
24 entity.

25 (c) *Combinations.* – (1) The authority under subsection
26 (a) of this section may be exercised in combination pursuant
27 to an intergovernmental cooperation agreement by:

28 (A) More than one land reuse jurisdiction; or

29 (B) A land reuse jurisdiction and one or more
30 municipalities or counties.

31 (2) If a land reuse agency is established under subdivision
32 (1) of this subsection, the intergovernmental cooperation
33 agreement must specify matters identified in subsection (a) of
34 this section.

35 (d) *Limitation.* – Except as set forth in subsection (c) of
36 this section, if a county establishes a land reuse agency, the
37 land reuse agency may acquire real property only in those
38 portions of the county located outside of the geographical
39 boundaries of any other land reuse agency established by
40 another land reuse jurisdiction located partially or entirely
41 within the county.

42 (e) *Legal status of land reuse agency.* – A land reuse
43 agency:

44 (1) Is a public body corporate and politic, exercising
45 public and essential governmental functions, and having all
46 the powers necessary or convenient to carry out and
47 effectuate the purposes and provisions of this article; and

48 (2) Exists until terminated and dissolved under section
49 fourteen of this article.

50 (f) *Collaboration.* – A land reuse agency, a political
51 subdivision and another municipal entity may enter into an
52 intergovernmental cooperation agreement relative to the
53 operations of a land reuse agency.

§31-18E-5. Board of directors of a land reuse agency.

1 (a) *Membership.* – A board shall consist of an odd
2 number of members and be not less than five members nor
3 more than eleven members. Unless restricted by the actions
4 or agreements specified in section four of this article and
5 subject to the limits stated in this section, the size of the
6 board may be adjusted in accordance with bylaws of the land
7 reuse agency.

8 (b) *Eligibility to serve on board.* –

9 (1) Notwithstanding any law to the contrary, a public
10 officer is eligible to serve as a board member, and the
11 acceptance of the appointment neither terminates nor impairs
12 that public office;

13 (2) A municipal employee is eligible to serve as a board
14 member;

15 (3) An established land reuse agency board shall include
16 at least one voting member who:

17 (A) Is a resident of the land reuse jurisdiction;

18 (B) Is not a public official or municipal employee; and

19 (C) Maintains membership with a recognized civic
20 organization within the land reuse jurisdiction;

21 (4) A member removed under subdivision (3), subsection
22 (d) of this section is ineligible for reappointment to the board
23 unless the reappointment is confirmed unanimously by the
24 board;

25 (5) As used in this subsection, the term “public officer”
26 means an individual who is elected to office.

27 (c) *Officers.* – The members of the board shall select
28 annually from among their members a chair, vice chair,
29 secretary, treasurer and other officers as the board
30 determines.

31 (d) *Rules.* – The board shall establish rules on all of the
32 following:

33 (1) Duties of officers;

34 (2) Attendance and participation of members in its regular
35 and special meetings;

36 (3) A procedure to remove a member by a majority vote
37 of the other members for failure to comply with a rule; and

38 (4) Other matters necessary to govern the conduct of a
39 land reuse agency.

40 (e) *Vacancies*. – A vacancy on the board shall be filled in
41 the same manner as the original appointment. Upon removal
42 under subdivision (3), subsection (d) of this section, the
43 position becomes vacant.

44 (f) *Compensation*. – Board members serve without
45 compensation. The board may reimburse a member for
46 expenses actually incurred in the performance of duties on
47 behalf of the land reuse agency.

48 (g) *Meetings*. – (1) The board shall meet as follows:

49 (A) In regular session according to a schedule adopted by
50 the board;

51 (B) In special session:

52 (i) As convened by the chair; or

53 (ii) Upon written notice signed by a majority of the
54 members;

55 (2) A majority of the board, excluding vacancies, is a
56 quorum. Physical presence is required under this paragraph.

57 (h) *Voting*. – (1) Except as set forth in subdivision (2) or
58 (3) of this subsection or elsewhere in this article, action of the

59 board must be approved by the affirmative vote of a majority
60 of the board present and voting.

61 (2) Action of the board on the following matters must be
62 approved by a majority of the entire board membership:

63 (A) Adoption of bylaws;

64 (B) Adoption of rules under subsection (d) of this section;

65 (C) Hiring or firing of an employee or contractor of the
66 land reuse agency. This function may, by majority vote of the
67 entire board membership, be delegated by the board to a
68 specified officer or committee of the land reuse agency;

69 (D) Incurring of debt;

70 (E) Adoption or amendment of the annual budget; or

71 (F) Sale, lease, encumbrance or alienation of real
72 property or personal property with a value of more than
73 \$50,000.

74 (3) A resolution under section fourteen of this article,
75 relating to dissolution of a land reuse agency, must be
76 approved by two thirds of the entire board membership.

77 (4) A member of the board may not vote by proxy.

78 (5) A member may request a recorded vote on any
79 resolution or action of the land reuse agency.

80 (i) *Immunity.* – A land reuse jurisdiction which
81 establishes a land reuse agency and a municipality or county
82 which are parties to an intergovernmental cooperation
83 agreement establishing a land reuse agency shall not be liable

84 personally on the bonds or other obligations of the land reuse
85 agency. Rights of creditors of a land reuse agency are solely
86 against the land reuse agency.

§31-18E-6. Staff of the land reuse agency.

1 (a) *Employees.* – A land reuse agency may employ or
2 enter into a contract for an executive director, counsel and
3 legal staff, technical experts and other individuals and may
4 determine the qualifications and fix the compensation and
5 benefits of those employees.

6 (b) *Contracts.* – A land reuse agency may enter into a
7 contract with a municipality or county for:

8 (1) The municipality or county to provide staffing
9 services to the land reuse agency; or

10 (2) The land reuse agency to provide staffing services to
11 the municipality or county.

§31-18E-7. Powers of the land reuse agency.

1 A land reuse agency is a public body, corporate and
2 politic, exercising public and essential governmental
3 functions, and having all the powers necessary or convenient
4 to carry out and effectuate the purposes and provisions of this
5 article, including, but not limited to, the following:

6 (1) To adopt, amend and repeal bylaws for the regulation
7 of its affairs and the conduct of its business;

8 (2) To sue and be sued in its own name and be a party in
9 a civil action. This paragraph includes an action to clear title
10 to property of the land reuse agency;

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11 (3) To adopt a seal and to alter the same at pleasure;

12 (4) To borrow from federal government funds, from the
13 state, from private lenders or from municipalities or counties,
14 as necessary, for the operation and work of the land reuse
15 agency;

16 (5) To issue negotiable revenue bonds and notes
17 according to the provisions of this article;

18 (6) To procure insurance or guarantees from the federal
19 government or the state of the payment of debt incurred by
20 the land reuse agency and to pay premiums in connection
21 with the insurance or guarantee;

22 (7) To enter into contracts and other instruments
23 necessary, incidental or convenient to the performance of its
24 duties and the exercise of its powers. This paragraph includes
25 intergovernmental cooperation agreements for the joint
26 exercise of powers under this article;

27 (8) To enter into contracts and intergovernmental
28 cooperation agreements with municipalities or counties for
29 the performance of functions by municipalities or counties on
30 behalf of the land reuse agency or by the land reuse agency
31 on behalf of municipalities or counties;

32 (9) To make and execute contracts and other instruments
33 necessary or convenient to the exercise of the powers of the
34 land reuse agency. Any contract or instrument signed shall be
35 executed by and for the land reuse agency if the contract or
36 instrument is signed, including an authorized facsimile
37 signature, by:

38 (A) The chair or vice chair of the land reuse agency; and

39 (B) Either:

40 (i) The secretary or assistant secretary of the land reuse
41 agency; or

42 (ii) The treasurer or assistant treasurer of the land reuse
43 agency;

44 (10) To procure insurance against losses in connection
45 with the real property, assets or activities of the land reuse
46 agency;

47 (11) To invest money of the land reuse agency at the
48 discretion of the board in instruments, obligations, securities
49 or property determined proper by the board and to name and
50 use depositories for its money;

51 (12) To enter into contracts for the management of, the
52 collection of rent from or the sale of real property of the land
53 reuse agency;

54 (13) To design, develop, construct, demolish, reconstruct,
55 deconstruct, rehabilitate, renovate, relocate and otherwise
56 improve real property or rights or interests in real property;

57 (14) To fix, charge and collect rents, fees and charges for
58 the use of real property of the land reuse agency and for
59 services provided by the land reuse agency;

60 (15) To grant or acquire licenses, easements, leases or
61 options with respect to real property of the land reuse agency;

62 (16) To enter into partnerships, joint ventures and other
63 collaborative relationships with municipalities, counties and
64 other public and private entities for the ownership,
65 management, development and disposition of real property;

66 (17) To organize and reorganize the executive,
67 administrative, clerical and other departments of the land
68 reuse agency and to fix the duties, powers and compensation
69 of employees, agents and consultants of the land reuse
70 agency; and

71 (18) To do all other things necessary or convenient to
72 achieve the objectives and purposes of the land reuse agency
73 or other law related to the purposes and responsibility of the
74 land reuse agency.

§31-18E-8. Eminent domain.

1 A land reuse agency does not possess the power of
2 eminent domain. Any property obtained by the power of
3 eminent domain after the effective date of this article may not
4 be acquired by a land reuse agency by any means.

§31-18E-9. Acquisition of property.

1 (a) *Title to be held in its name.* – A land reuse agency
2 shall hold in its own name all real property it acquires.

3 (b) *Tax exemption.* – (1) Except as set forth in
4 subdivision (2) of this subsection, the real property of a land
5 reuse agency and its income and operations are exempt from
6 property tax.

7 (2) Subdivision (1) of this subsection does not apply to
8 real property of a land reuse agency after the fifth
9 consecutive year in which the real property is continuously
10 leased to a private third party. However, real property
11 continues to be exempt from property taxes if it is leased to
12 a nonprofit or governmental agency at substantially less than
13 fair market value.

14 (c) *Methods of acquisition.* – A land reuse agency may
15 acquire real property or interests in real property by any
16 means on terms and conditions and in a manner the land
17 reuse agency considers proper: *Provided*, That a land reuse
18 agency may not acquire any interest in oil, gas or minerals
19 which have been severed from the realty.

20 (d) *Acquisitions from municipalities or counties.* – (1) A
21 land reuse agency may acquire real property by purchase
22 contracts, lease purchase agreements, installment sales
23 contracts and land contracts and may accept transfers from
24 municipalities or counties upon terms and conditions as
25 agreed to by the land reuse agency and the municipality or
26 county.

27 (2) A municipality or county may transfer to a land reuse
28 agency real property and interests in real property of the
29 municipality or county on terms and conditions and
30 according to procedures determined by the municipality or
31 county as long as the real property is located within the
32 jurisdiction of the land reuse agency.

33 (3) An urban renewal authority, as defined in section
34 four, article eighteen, chapter sixteen of this code, located
35 within a land reuse jurisdiction established under this article
36 may, with the consent of the local governing body and
37 without a redevelopment contract, convey property to the
38 land reuse agency. A conveyance under this subdivision
39 shall be with fee simple title, free of all liens and
40 encumbrances.

41 (e) *Maintenance.* – A land reuse agency shall maintain all
42 of its real property in accordance with the statutes and
43 ordinances of the jurisdiction in which the real property is
44 located.

45 (f) *Prohibition.* – (1) Subject to the provisions of
46 subdivision (2) of this subsection, a land reuse agency may
47 not own or hold real property located outside the
48 jurisdictional boundaries of the entities which created the
49 land reuse agency under subsection (c), section four of this
50 article.

51 (2) A land reuse agency may be granted authority
52 pursuant to an intergovernmental cooperation agreement with
53 a municipality or county to manage and maintain real
54 property located within the jurisdiction of the municipality or
55 county.

56 (g) *Acquisition of tax-delinquent properties.* –
57 Notwithstanding any other provision of this code to the
58 contrary, if authorized by the land reuse jurisdiction which
59 created a land reuse agency or otherwise by
60 intergovernmental cooperation agreement, a land reuse
61 agency may acquire an interest in tax-delinquent property
62 through the provisions of chapter eleven-a of this code.
63 Notwithstanding the provisions of section eight, article three,
64 chapter eleven-a of this code, if no person present at the tax
65 sale bids the amount of the taxes, interest and charges due on
66 any unredeemed tract or lot or undivided interest in real
67 estate offered for sale, the sheriff shall, prior to certifying the
68 real estate to the auditor for disposition pursuant to section
69 forty-four, article three, chapter eleven-a of this code, provide
70 a list of all of said real estate within a land reuse jurisdiction
71 to the land reuse agency and the land reuse agency shall be
72 given an opportunity to purchase the tax lien and pay the
73 taxes, interest and charges due for any unredeemed tract or
74 lot or undivided interest therein as if the land reuse agency
75 were an individual who purchased the tax lien at the tax sale.

§31-18E-10. Disposition of property.

1 (a) *Public access to inventory.* – A land reuse agency
2 shall maintain and make available for public review and
3 inspection an inventory of real property held by the land
4 reuse agency.

5 (b) *Power.* – A land reuse agency may convey, exchange,
6 sell, transfer, lease, grant or mortgage interests in real
7 property of the land reuse agency in the form and by the
8 method determined to be in the best interests of the land reuse
9 agency.

10 (c) *Consideration.* – (1) A land reuse agency shall
11 determine the amount and form of consideration necessary to
12 convey, exchange, sell, transfer, lease as lessor, grant or
13 mortgage interests in real property.

14 (2) Consideration may take the form of monetary
15 payments and secured financial obligations, covenants and
16 conditions related to the present and future use of the
17 property, contractual commitments of the transferee and other
18 forms of consideration as determined by the board to be in
19 the best interest of the land reuse agency.

20 (d) *Policies and procedures.* – (1) A board shall
21 determine and state in the land reuse agency policies and
22 procedures the general terms and conditions for consideration
23 to be received by the land reuse agency for the transfer of real
24 property and interests in real property, including, but not
25 limited to, a process for distribution of any proceeds to any
26 claimants, taxing entities and the land reuse agency.

27 (2) Requirements which may be applicable to the
28 disposition of real property and interests in real property by
29 municipalities or counties shall not be applicable to the
30 disposition of real property and interests in real property by
31 a land reuse agency.

32 (e) *Ranking of priorities.* – (1) A land reuse jurisdiction
33 may establish a hierarchical ranking of priorities for the use
34 of real property conveyed by a land reuse agency, including
35 use for:

36 (A) Purely public spaces and places;

37 (B) Affordable housing;

38 (C) Conservation areas; and

39 (D) Retail, commercial and industrial activities.

40 (2) The priorities established may be for the entire land
41 reuse jurisdiction or may be set according to the needs of
42 different neighborhoods, municipalities or other locations
43 within the land reuse jurisdiction, or according to the nature
44 of the real property.

45 (f) *Land use plans.* – A land reuse agency shall consider
46 all duly adopted land use plans and make reasonable efforts
47 to coordinate the disposition of land reuse agency real
48 property with the land use plans.

49 (g) *Specific voting and approval requirements.* – (1) A
50 land reuse jurisdiction may, in its ordinance creating a land
51 reuse agency or in the case of multiple land reuse
52 jurisdictions and municipalities or counties creating a single
53 land reuse agency in the applicable intergovernmental
54 cooperation agreement, require that a particular form of
55 disposition of real property or a disposition of real property
56 located within specified jurisdictions be subject to specified
57 voting and approval requirements of the board.

58 (2) Except as restricted or constrained under subdivision
59 (1) of this subsection, the board may delegate to officers and

60 employees the authority to enter into and execute agreements,
61 instruments of conveyance and other related documents
62 pertaining to the conveyance of real property by the land
63 reuse agency.

§31-18E-11. Financing of land reuse agency operations.

1 (a) *General rule.* – A land reuse agency may receive
2 funding through grants and loans from:

3 (1) The federal government;

4 (2) The state;

5 (3) A municipality or county;

6 (4) The land reuse jurisdiction which created the land
7 reuse agency; and

8 (5) Private or other public sources.

9 (b) *Funding.* – A land reuse agency may receive and
10 retain payments for services rendered, for rents and leasehold
11 payments received, for consideration for disposition of real
12 and personal property, for proceeds of insurance coverage for
13 losses incurred, for income from investments and for an asset
14 and activity lawfully permitted to a land reuse agency under
15 this article.

16 (c) *Allocated real property taxes.* – (1) A taxing
17 jurisdiction may authorize the remittance or dedication of a
18 portion of real property taxes collected pursuant to the laws
19 of this state to a land reuse agency on real property conveyed
20 by a land reuse agency.

21 (2) Allocation of property tax revenues in accordance
22 with this subsection, if authorized by the taxing jurisdiction,

23 begins with the first taxable year following the date of
24 conveyance and continues for a period of up to five years and
25 may not exceed a maximum of fifty percent of the aggregate
26 property tax revenues generated by the property.

27 (3) Remittance or dedication of real property taxes
28 include the real property taxes of a county board of education
29 only if the county board of education enters into an
30 agreement with the land reuse agency for the remittance or
31 dedication.

§31-18E-12. Borrowing and issuance of bonds.

1 (a) *Authority.* – (1) A land reuse agency may issue a bond
2 for any of its corporate purposes.

3 (2) The principal and interest of a bond is payable from
4 the land reuse agency's general revenue.

5 (3) The bond may be secured by any of the following:

6 (A) A pledge of revenue. This paragraph includes a grant
7 or contribution from: (i) The federal government or a federal
8 agency or instrumentality; or (ii) the state, a state agency or
9 an instrumentality of the state; or

10 (B) A mortgage of property of the land reuse agency.

11 (b) *Nature.* – The bond is a negotiable instrument under
12 the provisions of article eight, chapter forty-six of this code.

13 (c) *Tax exempt.* – A bond and the income from the bond
14 is exempt from taxation by: (1) The state; and (2) a political
15 subdivision.

16 (d) *Procedure.* – (1) A bond must be authorized by
17 resolution of the board and shall be a limited obligation of the
18 land reuse agency.

19 (2) The principal and interest, costs of issuance and other
20 costs incidental to the bond are payable solely from the
21 income and revenue derived from the sale, lease or other
22 disposition of the assets of the land reuse agency. The land
23 reuse agency may secure the bond by a mortgage or other
24 security device covering all or part of the project from which
25 the pledged revenues may be derived.

26 (3) A refunding bond issued under this section:

27 (A) Is payable from: (i) A source described in this article;
28 or (ii) the investment of the proceeds of the refunding bonds;
29 and

30 (B) Is not an indebtedness or pledge of the general credit
31 of a political subdivision within the meaning of a
32 constitutional or statutory limitation of indebtedness and shall
33 contain a recital to that effect.

34 (4) A bond must comply with the authorizing resolution
35 as to:

36 (A) Form;

37 (B) Denomination;

38 (C) Interest rate;

39 (D) Maturity; and

40 (E) Execution.

41 (5) A bond may be subject to redemption at the option of
42 and in the manner determined by the board in the authorizing
43 resolution.

44 (e) *Powers of municipalities or counties.* – A
45 municipality or county may elect to guarantee, insure or
46 otherwise become primarily or secondarily obligated on the
47 indebtedness of a land reuse agency, subject, however, to all
48 other provisions of law of this state applicable to municipal
49 or county indebtedness.

50 (f) *Sale.* – (1) A bond shall be issued, sold and delivered
51 in accordance with the terms and provisions of the
52 authorizing resolution. The board, to effectuate its best
53 interest, may determine the manner of sale, public or private,
54 and the price of the bond.

55 (2) The resolution issuing a bond must be published in a
56 newspaper of general circulation within the jurisdiction in
57 which the land reuse agency is located.

58 (g) *Liability.* – (1) Neither the members of a land reuse
59 agency nor a person executing the bond shall be liable
60 personally on the bonds by reason of the issuance of the
61 bond.

62 (2) The bond or other obligation of a land reuse agency
63 related to a bond shall not be a debt of a municipality, county
64 or of the state. A statement to this effect shall appear on the
65 face of the bond or obligation.

66 (3) On the bond or other obligation of a land reuse
67 agency related to a bond, all of the following apply:

68 (A) The state has no liability. This paragraph applies to
69 the revenue and property of the state; and

70 (B) A municipality or county has no liability. This
71 paragraph applies to the revenue and property of a
72 municipality or county.

§31-18E-13. Public records and public access.

1 (a) *Public records.* – A board shall keep minutes and a
2 record of its proceedings.

3 (b) *Public access.* – A land reuse agency is subject to
4 article nine-a, chapter six of this code relating to open
5 meetings and chapter twenty-nine-b of this code relating to
6 public records.

§31-18E-14. Dissolution of land reuse agency.

1 (a) *General rule.* – A land reuse agency may be dissolved
2 as a public body corporate and politic upon compliance with
3 all of the following:

4 (1) Sixty calendar days' advance written notice of
5 consideration of a resolution to request dissolution must be:

6 (A) Given to the land reuse jurisdiction which created the
7 land reuse agency;

8 (B) Published in a local newspaper of general circulation;
9 and

10 (C) Sent by certified mail to the trustees of outstanding
11 bonds of the land reuse agency;

12 (2) Satisfaction of all outstanding liabilities; and

13 (3) Approval of a resolution requesting dissolution,
14 pursuant to subdivision (3), subsection (h), section five of this
15 article.

16 (b) *Authority.* – Upon receipt of a proper resolution
17 described in subsection (a) of this section, the land reuse
18 jurisdiction which created the land reuse agency may dissolve
19 the land reuse agency by adoption of an ordinance or order.
20 If approved, the governing body of the land reuse jurisdiction
21 which created the land reuse agency shall file a certified copy
22 of the ordinance or order with the Secretary of State and
23 notify the West Virginia Housing Development Fund of the
24 dissolution of the land reuse agency. The Secretary of State
25 shall cause the termination of the existence of the land reuse
26 agency to be noted on the record of incorporation. Upon the
27 filing, the land reuse agency shall cease to function.

28 (c) *Transfer of assets.* – Upon dissolution of the land
29 reuse agency, real property, personal property and other
30 assets of the land reuse agency become the assets of the
31 municipality in which the property is located or the county in
32 which the property is located, if it is not within a
33 municipality. The following apply:

34 (1) Personal property, including financial assets, of the
35 land reuse agency shall be divided among participating land
36 reuse jurisdictions in proportion to the population of each
37 jurisdiction.

38 (2) The municipality in which real property is located or
39 the county in which the property is located, if it is not within
40 a municipality, shall approve the transfer of title to the
41 municipality or county.

42 (d) *Multiple jurisdictions.* – If multiple land reuse
43 jurisdictions create a land reuse agency under section four of
44 this article, the withdrawal of one or more land reuse
45 jurisdictions does not require dissolution of the land reuse
46 agency unless:

47 (1) The intergovernmental cooperation agreement
48 provides for dissolution in this event; and

49 (2) There is no land reuse jurisdiction which desires to
50 continue the existence of the land reuse agency.

§31-18E-15. Conflicts of interest.

1 (a) *Ethics Act.* – The acts and decisions of members of a
2 board and of employees of a land reuse agency are subject to
3 chapter six-b of this code.

4 (b) *Supplemental rules and guidelines.* – The board may
5 adopt:

6 (1) Supplemental rules addressing potential conflicts of
7 interest; and

8 (2) Ethical guidelines for members of the board and land
9 reuse agency employees.

§31-18E-16. Expedited quiet title proceedings.

1 (a) *Authorization.* – (1) A land reuse agency may file an
2 action in circuit court to quiet title to real property in which
3 the land reuse agency has an interest.

4 (2) A land reuse agency may join in a single complaint to
5 quiet title to one or more parcels of real property.

6 (3) For purposes of an action under this section, the land
7 reuse agency shall be deemed to be the holder of sufficient
8 legal and equitable interests and possessory rights so as to
9 qualify the land reuse agency as an adequate complainant in
10 the action.

11 (b) *Procedural requirements.* – (1) Prior to the filing of
12 an action to quiet title, the land reuse agency must conduct an
13 examination of title to determine the identity of any person
14 possessing a claim or interest in or to the real property.

15 (2) Service of the complaint to quiet title shall be
16 provided in accordance with the requirements to serve a civil
17 complaint generally, including that service to interested
18 parties be made as follows:

19 (A) By first-class mail to the identity and address
20 reasonably ascertainable by an inspection of public records;

21 (B) In the case of occupied real property, by first-class
22 mail, addressed to “occupant”;

23 (C) By posting a copy of the notice on the real property;

24 (D) By publication; and

25 (E) As ordered by the court.

26 (3) As part of the complaint to quiet title, the land reuse
27 agency must file an affidavit identifying:

28 (A) Persons discovered under subdivision (1) of this
29 subsection; and

30 (B) The form of service under subdivision (2) of this
31 subsection.

32 (c) *Hearing.* – (1) The court shall schedule a hearing on
33 the complaint within ninety days following filing of the
34 complaint and as to all matters upon which an answer was not
35 filed by an interested party.

36 (2) The court shall issue its final judgment within one
37 hundred twenty days of the filing of the complaint.

§31-18E-17. Construction, intent and scope.

1 This article shall be construed liberally to effectuate the
2 legislative intent and the purposes as complete and
3 independent authorization for the implementation of this
4 article, and all powers granted shall be broadly interpreted to
5 effectuate the intent and purposes and not as a limitation of
6 powers.

§31-18E-18. Annual audit and report.

1 (a) The land reuse agency shall annually, within one
2 hundred twenty days after the end of the fiscal year, submit
3 an audit of income and expenditures, together with a report
4 of its activities for the preceding year, to the West Virginia
5 Housing Development Fund.

6 (b) A duplicate of the audit and the report shall be filed
7 with the governing body of:

8 (1) The land reuse jurisdiction which created the land
9 reuse agency; and

10 (2) Each political subdivision which opted to participate
11 in the land reuse agency pursuant to an intergovernmental
12 agreement.

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

.....
Chairman Senate Committee

.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker of the House of Delegates

The within this
the Day of, 2014.

.....
Governor