WEST virginia legislature

2023 regular session

Introduced

House Bill 3094

By Delegates Howell, Storch, Hornby, Dittman, Petitto, Heckert, Hillenbrand and Hornbuckle

[Introduced January 26, 2023; Referred to the Committee on Economic Development and Tourism then Finance ]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, and §5B-11-3, all relating to creation of the Remote Worker Home Development Act; providing for legislative findings; establishing parameters for the creation of homes and subdivisions to comport with the purpose of the Act; creating guidelines; and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. REMOTE WORKER HOME DEVELOPMENT ACT.

§5B-11-1. Legislative findings.

(a) The Legislature finds that the COVID-19 pandemic has caused the transition of many job opportunities to be performed remotely. The establishment of a remote work program aimed at recruiting professionals to the Mountain State is in the best interest of all West Virginians.

(b) In April 2021, West Virginia native Brad D. Smith and his wife, Alys created "Ascend WV," which will allow adventurers to enjoy world-class recreation, uncrowded spaces, and a low cost-of-living while staying fully connected to their jobs, and it comes with the country’s best remote worker incentive package: $12,000 and a year’s worth of free outdoor recreation. This program has tremendous support from local mayors and county officials from the program’s first three host cities – Morgantown, Shepherdstown, and Lewisburg.

(c) In keeping with the idea that West Virginia can capitalize on workforce trends by leveraging our incredible outdoor recreation assets, the Legislature find that West Virginia’s outdoor assets are unparalleled, and provide the perfect opportunity to grow the West Virginia Family by offering new residents a great place to work, live, and raise a family. Accordingly, the establishment of a "Remote Worker Home Development Act" will provide a mechanism to draw in new workers and their families to West Virginia for the purpose of remote working.

§5B-11-2. Establishment of the act; parameters; guidelines; special guidance for rental property.

(a) There shall hereinafter be established the "Remote Worker Home Development Act". In doing so, a developer may create a subdivision that is "Remote Worker Ready", wherein the taxes on the subdivision during development will be categorized differently. When a developer establishes a subdivision for the purpose of housing workers and families who intend to work remotely, the property tax rates shall be kept at their original rate, until each new home is sold for the first time.  Once the first home is sold, then the home and its tract is taxed as the improved home property.  The remaining acres shall still be taxed as original unimproved property, even if 2 completed homes are unsold.

(b) Only one building permit for the subdivision is required, and permits are not required for each structure built by the developer.  The developer shall notify the county assessor as each home is constructed, and the permit shall be at the lowest rate offered by the county.

(c) Municipal or county public service districts shall allow the developer to install their own water and sewer lines, so long as the standards meet those established by the public service district. The standards shall not exceed those of the public service districts own lines, and the public service district shall have the right to inspect the installation and sign off on it. Once complete the water and sewer lines will be transferred to the public service district.

(d) The requirements to qualify under the act are as follows: A subdivision must have all underground utilities for storm reliability; a subdivision must have fiber cables for internet, or an equivalent or better technology; the subdivision must have category 7 or better ethernet; each home build must have a room built specifically to be used as a remote office, which shall include surge protected electrical wiring, additional power outlets with USB capability, or if a better future technology presents itself, then the equivalent technology, external door for work visitors to enter and exit without going through the home; each home shall have a back-up electrical power source; deed covenants and/or subdivision homeowners association rules must clearly define work from home is expressly authorized; a county may not dictate lot size, home square footage or type of home; and mobile homes may be excluded.

(e) Additionally, the broadband internet service offered in the subdivisions must have at least one terrestrial broadband internet service provider offering all of the following in at least one service plan to residential consumers: An actual downstream data rate of at least 25 megabits per second; an actual upstream data rate of at least three megabits per second; unlimited data usage without overage charges; and unlimited data usage without "throttling" or reduction of downstream or upstream data rate due, in whole or in part, to the amount of data transferred in any period.

(f) The developer shall have an income tax credit equal to cost of the additional requirements for the remote office room and back up electrical power source in each home built.

(g) The developer shall account for the long-term maintenance needs of their particular development, including, but not limited to, water, sewer, and the roads, and shall ensure that there are reasonably sufficient funds to perform the needed work over the long term.

(h) In addition to the construction of homes for long-term use, rental units to be used by remote workers are allowable under this section. For all rental opportunities on new construction only, for the purpose of attracting remote workers to West Virginia, there shall be the same requirements for the construction of a particular dwelling, with the same tax credit for the "remote worker" requirements allowable as described in subsections (a) and (f) of this section.  If a dwelling is being constructed for the purpose of rental property for remote workers, the "remote worker rental" shall receive a tax credit equal to the difference between their annual real property taxes paid on the development site and the amount they would have paid if the development site had been taxed as Class 2 property for 30 years, or for the duration of the construction loan on the property, whichever is shorter.  No refinancing is permitted for these projects. This must be for new construction built after July 1, 2023, and must meet all of the requirements outlined above in subsections (a) through (e).

(i) Finally, the requirements outlined in this section will supersede any county or municipal subdivision ordinances, while others will remain in effect.

§5B-11-3. Effective date.

This article shall take effective July 1, 2023.

NOTE: The purpose of this bill is to establish the Remote Worker Home Development Act.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.