STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 3-21

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Orders 4-20, 7-20, 10-20, 11-20, 12-20, 17-20, 23-20, 26-20, 31-20, 46-20, 54-20, 57-20, 59-20, 63-20, 66-20, 67-20, 69-20, 72-20, 73-20, 76-20, 81-20, and 83-20 suspended certain provisions and sections of statute that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Order 73-20 suspended the requirement that public auctions for lands which are delinquent for the nonpayment of taxes be held "at the front door of the courthouse of the county" in which the property being auctioned sits, in order that such public auctions may take place in locations where adequate social distancing may be maintained by any desiring to attend such public auction; and

WHEREAS, there has been an additional statutory regulations identified by the West Virginia State Auditor's Office that is preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulations are to be suspended for the duration of the State of Emergency for the sole purpose of removing the technical requirement that public auctions for lands which are subject to sale under Article Three, Chapter 11A of the West Virginia State Code, be held "at the courthouse of the county" in which the property being auctioned sits, in order that such public auctions may take place in locations where adequate social distancing may be maintained by any desiring to attend such public auctions, and that the notice of such auctions may be amended accordingly:

1. In the discretion of the West Virginia State Auditor's Office which may issue additional guidance from time to time, the requirement that a public auction for lands which are delinquent for the nonpayment of taxes be noticed to be held "at the courthouse of the county" in which the property being auctioned sits (W. Va. Code § 11A-3-45); and
2. In the discretion of the West Virginia State Auditor's Office which may issue additional guidance from time to time, the requirement that publication of notice of auctions for lands which are delinquent for the nonpayment of taxes be noticed to be held "in (specify location) the courthouse of" the county in which the property being auctioned sits (W. Va. Code § 11A-3-46).

[Signature Page Follows]

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Fifth day of February, in the year of our Lord, Two Thousand Twenty-One in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE