



WVOHOA FAQ # 114.

**Q: Why are WV HOA's required to file every year with the WV Secretary of State?**

All WV non profit, not-for-profit, non-stock HOAs are required to file with the WV Secretary of State. HOAs must collect the required annual assessment – the financial support for maintaining common area(s).

WV Code [§59-1-2a](#) is specific: all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect. Furthermore: no corporation may engage in any business activity in WV without paying the annual report fee (currently \$25/year) and filing the annual report as required in WV Code [§31E Nonprofit Corporation Act](#).



WV Code [§47-9A-3\(d\)](#) is specific: the WV SOS application for a voluntary association's registration contains the eleven (11) required responses.

It is important for HOA Boards of Directors to maintain the good standing of their corporation, if they don't have an active corporation that's conducting the business of the association, there's a potential for personal liability of owners and/or board members. An insurance company could say your association isn't a valid corporation, so it can't enforce any provisions in its governing documents, e.g. no coverage, no representation and/or no protection by the insurance company, no legal claim may be valid.

LEGAL INFORMATION IS NOT LEGAL ADVICE

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SHARING INFORMATION – INCREASING KNOWLEDGE

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