

West Virginia



**Managing Partner,
Charles Bailey**



**Associate Attorney,
Harrison Cyrus**

Bailey & Wyant, PLLC obtain favorable result against the City of Huntington

Bailey&Wyant PLLC's Managing Partner Charles R. Bailey and Associate Attorney Harrison M. Cyrus obtained a favorable result on behalf of a residential rental company against the City of Huntington.

The matter arose from the City of Huntington's attempt to retroactively assess and charge the residential rental company for previously unassessed municipal service fees. The City of Huntington had miscalculated the square footage of the chargeable property. After the miscalculation was brought to light, the City of Huntington attempted to correct by sending an invoice to the rental company which retroactively assessed the service fees from 2014 to the present resulting in a \$35k "previous balance."

Bailey& Wyant PLLC's, Mr. Bailey and Mr. Cyrus filed a formal protest with the City of Huntington's Finance Director on behalf of the rental company. The basis for the protest was that the City's municipal ordinance does not allow the City of Huntington to retroactively assess and charge for municipal service fees.

The Protest was denied by the City of Huntington's Finance Director. An appeal was filed and after hearing the oral argument from both parties the City of Huntington Service Fee Appeal Board sided with the residential rental company and found that the City could not retroactively assess the charge. The City of Huntington was ordered to remove the "previous balance," of \$35k from the rental company's service fee account.