

Eviction from Rental Property

West Virginia law requires landlords to provide tenants with proper written notification in advance of any attempt to evict a person from rental property, unless the tenant has failed to pay rent or has otherwise violated the terms of the rental agreement.

If a tenant is behind on rent or has violated certain provisions of the rental agreement, a landlord may go directly to court and file an action to evict him or her without giving prior written notice.

Notably, a landlord cannot forcibly evict a tenant without first going to court. A tenant has the right to contest any eviction suit. Tenants served with eviction suits should contact a lawyer. Legal Aid of West Virginia also provides certain legal services for low-income individuals who may not be able to afford a lawyer.

Failure by a tenant to answer an eviction lawsuit or appear in court could result in the issuance of a judgment for possession, which would require the tenant to vacate the rental housing immediately.

Important Phone Numbers

**West Virginia
Attorney General's Office
Consumer Protection Hotline**
1-800-368-8808
www.wvago.gov

Legal Aid of West Virginia
1-866-255-4370
www.lawv.net

**The West Virginia State Bar
Attorney Hotline**
1-800-642-3617
(only available on Tuesdays from
6:00pm-8:00pm)

**The HUD Complaint Line
for Bad Landlords in Federal
Housing**
1-800-685-8470

Renters' Rights

**A Guide To Landlord-Tenant
Law in West Virginia**



**From the Office of the
West Virginia Attorney General**

Enforcement of Landlord-Tenant Laws in West Virginia



Tenants have a statutorily protected right to live in decent housing at all times. If a tenant believes that his or her rights have been violated, he or she may file a claim for money damages against the landlord. Tenants also may file a civil action to enforce rental housing unit standards. Conversely, a landlord may file an action to evict a tenant if he or she has failed to pay rent or has otherwise violated the rental agreement.

Standard Housing Requirements

Under West Virginia law, landlords are required to maintain rental housing in a fit and habitable condition from the time of move in until the time of move out. This means a landlord must make sure that rental housing measures up to all health, safety, fire, and housing code standards at all times.

Security Deposits

Landlords often require tenants to pay a “security deposit” to guarantee payment of rent and to cover damages that may result from abuse or neglect of the tenant, excluding normal wear and tear. A state law passed in 2011 now requires landlords to return damage deposits in full or send a written notice itemizing any alleged damages within sixty (60) days after the tenant moves out. If the landlord fails to do so, the tenant may file a civil suit and will be awarded judgment for any unreturned security deposit plus a penalty of one and a half times that amount.

Rental Repairs

A landlord, and not the tenant, is responsible for all repairs necessary to ensure that rental housing remains in proper condition as required by law. However, landlords may require tenants to pay for any damages caused as a result of the renter’s own carelessness and neglect. Any agreements otherwise to require a tenant to pay the costs of standard repairs are unlawful and unenforceable in court.

Tenant Privacy

Generally, a tenant has an expectation of privacy which would prohibit landlords from entering rental housing without either the consent of the tenant or providing reasonable notice in advance, unless circumstances require the landlord to perform emergency repairs.

Dos and Don’ts of Landlord-Tenant Law

- Landlords and tenants should make sure that their rights and responsibilities are clearly spelled out in a written rental agreement.
- Tenants should notify the landlord in writing of any damages and/or needed repairs prior to taking possession of a rental housing unit.
- It is unlawful for a landlord to lock out a tenant, shut off utilities, refuse repairs, or take other steps to effectively evict a tenant without going through court.
- A landlord may not seize or impound a tenant’s property as a way of collecting rent owed.
- A landlord may not evict a tenant in retaliation for complaints of unfit housing conditions.
- Tenants should report any unfit housing conditions to the landlord, or to local government agencies such as the building code inspector, fire marshal, or health department.
- Landlords should promptly return the balance of any damage/security deposit to the tenant.
- Upon moving out, tenants should take photographs and/or video of the rental property to document the condition of the unit.
- It is unlawful for the landlord to refuse to rent to or evict a tenant because of race, color, religion, ancestry, sex, familial status, blindness, handicap or national origin.