



State of West Virginia
Office of the Attorney General

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Attorney General

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Recently, the Attorney General has received a rise in consumer complaints regarding the existence of bed bugs in their rental housing units. *First*, consumers complain that their tenancy is infested with bed bugs. *Next*, consumers complain that their landlord required them to sign a lease or lease addendum requiring tenants to take affirmative steps to detect/protect their units from bed bugs, and if they fail to comply, charging them for related bed bug exterminations. *Last*, consumers complain after actually being charged for bed bug exterminations of their units whether or not the bed bugs originated in the consumer's unit. The West Virginia Attorney General's jurisdiction arises in the latter two cases.

West Virginia law governing residential landlord-tenant relations requires the landlord to be responsible for all costs necessary to maintain the premises in a fit and habitable condition, unless the landlord can demonstrate the tenant's fault or lack of reasonable care. *See* W. Va. Code § 36-6-30(a). Moreover, this implied warranty of habitability may not be waived by an express lease provision, which may force a tenant to contribute to the costs of bed bug extermination without proof of either the "fault of the tenant," W. Va. Code § 37-6-30(a)(2)(i) or the "lack of reasonable care by the tenant." W. Va. Code § 37-6-30(a)(4).

The West Virginia Consumer Credit and Protection Act prohibits unfair or deceptive acts or practices by businesses. It is an unfair or deceptive act or practice to require tenants to waive their rights under the implied warranty of habitability or require tenants to pay for extermination services without proof that the tenant's actions caused the bed bug infestations. W. Va. Code § 46A-6-104. The Attorney General is authorized to enjoin an unfair or deceptive act or practice. W. Va. Code § 46A-7-108. The Attorney General's Office can serve subpoenas to obtain information regarding the lease, accept an assurance in writing that the landlord will cease its conduct, or may file a lawsuit to stop the improper conduct. W. Va. Code §§ 46A 7-104, -107, -108.

If your department receives complaints under the above mentioned circumstances our Office can investigate these concerns through our Consumer Protection Division. If I may ever be of some assistance, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Patrick Morrissey". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Patrick Morrissey
West Virginia Attorney General