1	Senate Bill No. 118
2	(By Senator Foster)
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4	[Introduced January 11, 2012; referred to the Committee on the
5	Judiciary.]
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10	A BILL to amend and reenact $37-9-1$, $37-9-2$, $37-9-3$ and $37-9-4$
11	of the Code of West Virginia, 1931, as amended, all relating
12	to termination of a residential lease upon the death of a
13	tenant; defining terms; requiring notice and payment of
14	certain rent; prohibiting waiver; and providing date for
15	applicability of provisions.
16	Be it enacted by the Legislature of West Virginia:
17	That $37-9-1$, $37-9-2$, $37-9-3$ and $37-9-4$ of the Code of West
18	Virginia, 1931, as amended, be amended and reenacted, all to read
19	as follows:
20	ARTICLE 9. APPORTIONMENT OF RENT UPON TERMINATION OF LEASE.
21	\$37-9-1. Termination of lease upon death of lessee; definition of
22	lessee.
23	(a) Any party to a lease of residential premises other than a

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1 lease at will, may terminate the lease prior to its expiration date
2 in the manner provided in this article upon the death of the lessee
3 or, if there is more than one lessee, upon the death of all
4 lessees.

5 (b) "Lessee" means the person or persons who signed a lease 6 for rental of residential property and who occupied the property. 7 (c) "Lessor" means the person or persons who own the property 8 which is leased to the lessee.

9 §37-9-2. Notice.

10 (a) Either a lessee who signed the lease with a deceased 11 lessee or the personal representative of the lessee's estate may 12 terminate the lease upon at least two months' written notice, to be 13 effective on the last day of a calendar month. The notice may be 14 hand delivered or mailed by postage prepaid, first class United 15 States mail, to the address of the other party.

16 (b) The termination of a lease under this section does not 17 relieve the lessee's estate from liability either for the payment 18 of rent or other sums owed prior to or during the notice period, or 19 for the payment of amounts necessary to restore the premises to 20 their condition at the commencement of the tenancy, ordinary wear 21 and tear excepted.

22 §37-9-3. Waiver prohibited.

An attempted waiver by a lessor, lessee or lessee's personal 24 representative, by contract or otherwise, of the right of

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1 termination provided by this article, and any lease provision or 2 agreement requiring a longer notice period than that provided by 3 this article, is void and unenforceable.

4 §37-9-4. Applicability.

5 The provisions of this article apply to leases entered into or 6 renewed on and after July 1, 2012.

NOTE: The purpose of this bill is to provide for the termination of a residential rental lease upon the death of the lessee.

This article has been completely rewritten; therefore, strike-throughs and underscoring have been omitted.

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