

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4710

BY DELEGATES MALLOW, PINSON, HAYNES, MANDT,

HOLSTEIN, REYNOLDS, HONAKER, AND B. WARD

[Introduced February 15, 2022; Referred to the

Committee on the Judiciary then Finance]

1 A BILL to amend and reenact §37-6-5 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §37-6-31, all relating to
 3 termination of leaseholds, requiring law enforcement participation in eviction notice service
 4 and requiring eviction notices expressly state tenant rights under this section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. LANDLORD AND TENANT.

§37-6-5. Notice to terminate tenancy.

1 A tenancy from year to year may be terminated by either party giving notice in writing to
 2 the other, at least three months prior to the end of any year, of his or her intention to terminate
 3 the same. A periodic tenancy, in which the period is less than one year, may be terminated by
 4 like notice, or by notice for one full period before the end of any period. When such notice is to
 5 the tenant, it may be served upon him or her, or upon anyone holding under him or her the leased
 6 premises, or any part thereof. When notice of termination of tenancy is to be served to the tenant,
 7 such notice shall be served by a qualified law enforcement officer of that jurisdiction. When it is
 8 by the tenant, it may be served upon anyone who at the time owns the premises in whole or in
 9 part, or the agent of such owner, or according to the common law. This section shall not apply
 10 where, by special agreement, some other period of notice is fixed, or no notice is to be given; nor
 11 shall notice be necessary from or to a tenant whose term is to end at a certain time.

§37-6-31. Requiring full involvement of law enforcement in presentation of eviction notice.

1 (a) For any termination of a lease under this article, such notice shall be served to the
 2 tenant by a qualified law-enforcement officer of that jurisdiction.

3 (b) The notice of termination under this article shall expressly notify the tenant of all rights
 4 they have under this article, including the date of final removal of their personal effects from the
 5 property and their process for appeal.

NOTE: The purpose of this bill is to require and make mandatory the full involvement of

law enforcement in the person-to-person presentation of an eviction notice.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.