

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3426

By Delegate Gearheart

[Introduced February 13, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and re-enact §37-15-2 and §37-15-6 of the Code of West Virginia, 1931, as
 2 amended, relating to tenant protections and landlord notice requirements at rental
 3 properties for house trailers, mobile homes, manufactured homes, and modular homes.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 15. HOUSE TRAILERS, MOBILE HOMES, MANUFACTURED HOMES AND
 MODULAR HOMES.**

§37-15-2. Definitions.

1 For the purposes of this article, unless expressly stated otherwise:

2 (a) "Abandoned factory-built home" means a factory-built home occupying a factory-built
 3 home site pursuant to a written agreement under which the tenant has defaulted in rent or the
 4 landlord has exercised any right to terminate the rental agreement: Provided, That for purposes of
 5 this article, in circumstances outside the control of the property owner including floods, fires,
 6 destructive thunderstorm events such as derechos and tornadoes, and similar catastrophic events
 7 causing widespread or localized severe property damage, the tenant may not be considered to
 8 have defaulted, discontinued or abandoned the nonconforming use, unless the property owner
 9 demonstrates that the applicable home site continues to be available for use as a home site.

10 (b) "Factory-built home" includes modular homes, mobile homes, house trailers and
 11 manufactured homes;

12 (c) "Factory-built home rental community" means a parcel of land under single or common
 13 ownership upon which two or more factory-built homes are located on a continual, nonrecreational
 14 basis together with any structure, equipment, road or facility intended for use incidental to the
 15 occupancy of the factory-built homes, but does not include premises used solely for storage or
 16 display of uninhabited factory-built homes or premises occupied solely by a landowner and
 17 members of his or her family;

18 (d) "Factory-built home site" means a parcel of land within the boundaries of a factory-built

19 home rental community provided for the placement of a single factory-built home and the exclusive
20 use of its occupants;

21 ~~(e)~~ "Good cause" means:

22 (1) The tenant is in arrears in the payment of periodic payments or other charges;

23 (2) The tenant has breached a material term of a written rental agreement or has
24 repeatedly breached other terms of the rental agreement;

25 (3) Where there is no written agreement, or where the written agreement does not cover
26 the subject matter of a warranty or leasehold covenant, the tenant breached a material warranty or
27 leasehold covenant or has repeatedly breached other terms of a warranty or a leasehold
28 covenant;

29 (4) The tenant has deliberately or negligently damaged the property or knowingly permitted
30 another person to do so.

31 ~~(f)~~ "House trailers" means all trailers designed or intended for human occupancy and
32 commonly referred to as mobile homes or house trailers and shall include fold down camping and
33 travel trailers as these terms are defined in §17A-6-1 of this code, but only when such camping
34 and travel trailers are located in a factory-built home rental community, as defined in this section,
35 on a continual, nonrecreational basis.

36 ~~(g)~~ "Landlord" means the factory-built home rental community owner, lessor or sublessor of
37 the factory-built home rental community, or an agent or representative authorized to act on his or
38 her behalf in connection with matters relating to tenancy in the community.

39 ~~(h)~~ "Manufactured home" has the same meaning as the term is defined in section two,
40 article nine, chapter twenty-one of this code which meets the National Manufactured Housing
41 Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15,
42 1976, and the federal manufactured home construction and safety standards and regulations
43 promulgated by the secretary of the United States department of housing and urban development.

44 (i) "Mobile home" means a transportable structure that is wholly, or in substantial part,

45 made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and
 46 installation on a building site and designed for long-term residential use and built prior to
 47 enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974
 48 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and usually built to the voluntary industry
 49 standard of the American national standards institute (ANSI)--A119.1 standards for mobile homes.

50 (j) "Modular home" means any structure that is wholly, or in substantial part, made,
 51 fabricated, formed or assembled in manufacturing facilities for installation or assembly and
 52 installation on a building site and designed for long-term residential use and is certified as meeting
 53 the standards contained in the state fire code encompassed in the legislative rules promulgated by
 54 the state Fire Commission pursuant to section five-b, article three, chapter twenty-nine of this
 55 code.

56 (k) "Owner" means one or more persons, jointly or severally, in whom is vested: (i) All or
 57 part of the legal title to the factory-built home rental community; or (ii) all or part of the beneficial
 58 ownership and right to present use and enjoyment of the factory-built homesite or other areas
 59 specified in the rental agreement and the term includes a mortgagee in possession.

60 (l) "Rent" means payments made by the tenant to the landlord for use of a factory-built
 61 home site and as payment for other facilities or services provided by the landlord including base
 62 rent, utilities, late fees, and other payments made by the tenant to the landlord under the rental
 63 agreement.

64 (m) "Section" means a unit of a factory-built home which is transported and delivered as a
 65 whole and which contains some or all of the indoor living area.

66 (n) "Tenant" means a person entitled pursuant to a rental agreement to occupy a factory-
 67 built home site to the exclusion of others.

§37-15-6. Termination of tenancy.

1 (a) The tenancy for a factory-built home site upon which is placed a factory-built home that
 2 is comprised of one section, other than a camping or travel trailer, may not be terminated until 12

3 months after the home is placed on the site except for good cause. The tenancy for a factory-built
4 home site on which is placed a factory-built home that is comprised of two or more sections may
5 not be terminated until five years after the home has been placed on the site except for good
6 cause.

7 (b) The tenancy for a factory-built home, other than a camping or travel trailer, may be
8 terminated at the time set forth in this subsection.

9 (1) Either party may terminate a rental agreement at the end of its stated term or at the end
10 of the time period set out in subsection (a) of this section, whichever is later, for any reason, unless
11 the rental agreement states that reasons for termination ~~must~~ shall exist.

12 (2) Either party may terminate a tenancy which has continued after its stated term and
13 longer than the period set out in subsection (a) of this section for no reason, unless the rental
14 agreement states that reasons ~~must~~ shall exist.

15 (3) A tenancy that has not reached the end of its stated term or has not existed for the time
16 periods stated in subsection (a) of this section may be terminated only for good cause.

17 (c) A tenancy governed by subdivision (1) or (2), subsection (b) of this section may be
18 terminated only by written notice at least three months before the termination date of the tenancy.
19 A tenancy governed by subdivision (3), subsection (a) of this section may be terminated only by a
20 written notice at least three months before the termination date of the tenancy. The rental
21 agreement may specify a period of notice in excess of the periods of time set out in this subsection.

22 (d) A landlord may not cause the eviction of a tenant by willfully interrupting gas, electricity,
23 water or any other essential service, or by removal of the factory-built home from the factory-built
24 home site, or by any other willful self-help measure. Nothing in this chapter authorizes a landlord to
25 meter a premises contrary to applicable law, rule, or tariff, or assess a utility charge to the tenant
26 contrary to applicable law, rule, or tariff.

27 (e) The landlord shall set forth in a notice of termination the reason relied upon for the
28 termination with specific facts to permit determination of the date, place, witnesses and

29 circumstances concerning that reason: Provided, That Tenants shall be notified of any increase in
30 utility rates or charges in the manner set forth in subsection (c) of this section for rent increases,
31 unless the landlord does not receive at least 90 days prior notice of such increase from the utility
32 provider, in which case no prior notice of the increase from the landlord to the tenant is required for
33 the increase to be effective.

34 (f) Unless the landlord is changing the use of the site, if a tenancy is ended by the landlord
35 at the later of its stated term or at the end of the time period set out in subsection (a) of this section
36 with no good cause, the owner may not prevent the sale of the factory-built home in place to
37 another tenant who meets the standards and restrictions in effect for other new tenants prior to the
38 termination of the tenancy.

NOTE: The purpose of this bill is to establish certain tenant protections and landlord notice requirements at rental properties for house trailers, mobile homes, manufactured homes, and modular homes.

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