# WEST VIRGINIA CODE: §37-6-11

**§37-6-11. Persons liable for rent; termination of lease upon death.**

(a) Rent may be recovered from the lessee, or other person owing it, or the heir, personal representative, devisee or assignee, who has succeeded to the lessee's estate in the premises. But no assignee shall be liable for rent which became due before his or her interest began. Subject to the provisions of subsection (b), nothing herein shall change or impair the liability of heirs, personal representatives, or devisees, for rent, to the extent and in the manner in which they are liable for other debts of the ancestor or testator; nor shall the mere merger of the reversion to which a rent is incident affect the liability for such rent.

(b) (1) Notwithstanding any other provision of this code to the contrary, upon the death of a lessee of a residential premises, an heir, personal representative, devisee or assignee of the deceased lessee may terminate a lease prior to its expiration.

(2) Termination of a residential lease, as provided in this subsection, shall become effective on the last day of the calendar month that is two months after:

(A) The date on which the notice is hand-delivered to the other party of the lease, or

(B) The date on which the notice, addressed to the other party to the lease, is deposited in the United States mail, postage prepaid, evidenced by the postmark.

(3) Termination of a lease under this subsection does not relieve the lessee's estate from liability for either:

(A) The payment of rent or other sums owed prior to or during the two month written notice period, or

(B) For the payment of amounts necessary to restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

(4) The right of termination contained in this subsection may not be waived by a lessor, lessee or lessee's heir, personal representative, devisee or assignee, by contract or otherwise. Any lease provision or agreement requiring a longer notice period than that provided by this article, is void and unenforceable.

(5) The provisions of this subsection apply to residential property leases entered into or renewed on or after July 1, 2012.

WV Legislature