WEST VIRGINIA CODE: §55-3C-3

§55-3C-3. Limited Alternative Remedy to Remove Squatter from Residential and Commercial Real Properties.

(a) A property owner or their authorized agent may request, from any law-enforcement officer having authority to act in the jurisdiction where the subject property is located, the immediate removal of any person squatting in a residential dwelling or commercial building if the following conditions are met:

(1) The requesting person is the property owner or authorized agent;

(2) The real property includes a residential dwelling or commercial building;

(3) An unauthorized person or persons are unlawfully occupying the property;

(4) The property was not open to the public at the time of entry;

(5) The property owner or their authorized agent has directed the unauthorized person(s) to leave;

(6) The unauthorized person is not current or former owners or current or former lawful tenants;

(7) The unauthorized person is not immediate family members of the property owner or tenants; and

(8) No pending litigation related to the subject property exists between the property owner and the unauthorized person(s).

(b) To request the immediate removal pursuant to this section, the property owner or authorized agent shall submit a completed and verified complaint to remove persons unlawfully occupying real property ("complaint") to a law-enforcement officer having authority to act in the jurisdiction of the subject property.

(c) Upon receipt of the complaint, the law-enforcement agency to which the complaint was submitted shall conduct preliminary fact-finding, which may include reviewing any alleged lease agreement, interviewing relevant individuals, and other relevant inquiries to ascertain the validity of the complaint. If the preliminary fact-finding indicates probable cause that the conditions outlined in subsection (a) of this section are met, then the law-enforcement agency shall serve a notice to immediately vacate upon the unlawful occupants and put the owner in possession of the real property.

(d) The law-enforcement agency is entitled to a fee for service of a notice pursuant to subsection (c) of this section. Upon serving the notice, the property owner or their

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authorized agent may request the law-enforcement agency to remove the unauthorized person if they do not vacate the property when ordered to do so or request that they remain at the property to ensure the safety of all parties during the removal of the person property of the unlawful occupants.

(e) This section does not limit any other property owner rights or the authority of law-enforcement.

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