

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978



ENROLLED

Committee Substitute for

HOUSE BILL No. 1368

(By Mr. Mowery + Mr. Tompkins)



PASSED March 11, 1978

In Effect ninety days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1368

(By MR. MOWERY and MR. TOMPKINS)

[Passed March 11, 1978; in effect ninety days from passage.]

AN ACT to amend article six, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty, relating to a landlord's duty to maintain leased premises in fit and habitable condition.

Be it enacted by the Legislature of West Virginia:

That article six, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, by adding thereto a new section, designated section thirty, to read as follows:

ARTICLE 6. LANDLORD AND TENANT.

§37-6-30. Landlord to deliver premises; duty to maintain premises.

- 1 With respect to residential property:
- 2 (a) A landlord shall:
- 3 (1) At the commencement of a tenancy, deliver the dwell-
- 4 ing unit and surrounding premises in a fit and habitable
- 5 condition, and shall thereafter maintain the leased property
- 6 in such condition; and

7 (2) Maintain the leased property in a condition that meets
8 requirements of applicable health, safety, fire and housing
9 codes, unless the failure to meet those requirements is the
10 fault of the tenant, a member of his family, or other person
11 on the premises with his consent; and

12 (3) In multiple housing units, keep clean, safe and in
13 repair all common areas of the premises remaining under his
14 control that are maintained for the use and benefit of his
15 tenants; and

16 (4) Make all repairs necessary to keep the premises in a
17 fit and habitable condition, unless said repairs were necessi-
18 tated primarily by a lack of reasonable care by the tenant,
19 a member of his family, or other person on the premises
20 with his consent; and

21 (5) Maintain in good and safe working order and condition
22 all electrical, plumbing, sanitary, heating, ventilating, air-
23 conditioning, and other facilities and appliances, including
24 elevators, supplied or required to be supplied by him by
25 written or oral agreement or by law; and

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26 (6) In multiple housing units, provide and maintain ap-
27 propriate conveniences for the removal of ashes, garbage,
28 rubbish and other waste incidental to the occupancy of the
29 dwelling unit; and

30 (7) With respect to dwelling units supplied by direct public
31 utility connections, supply running water and reasonable
32 amounts of hot water at all times, and reasonable heat be-
33 tween the first day of October and the last day of April,
34 except where the dwelling unit is so constructed that running
35 water, heat or hot water is generated by an installation
36 within the exclusive control of the tenant.

37 (b) If a landlord's duty under the rental agreement exceeds
38 a duty imposed by this section, that portion of the rental
39 agreement imposing a greater duty shall control.

40 (c) None of the provisions of this section shall be deemed
41 to require the landlord to make repairs when the tenant is in
42 arrears in payment of rent.

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43 (d) For the purposes of this section, the term “multiple
44 housing unit” shall mean a dwelling which contains a room
45 or group of rooms located within a building or structure
46 forming more than one habitable unit for occupants for
47 living, sleeping, eating and cooking.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Chestnut
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Wilcox, Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. A. Bathurst
President of the Senate

Donald L. Zopp
Speaker House of Delegates

The within is approved this the 24
day of March, 1978.

John D. Rhyll W
Governor



APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED
MAR 21 9 41 AM '78
OFFICE OF THE GOVERNOR

Date March 24, 1978

Time 1:30 p.m.

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OFFICE OF THE GOVERNOR
SECY. OF STATE