

FILED

2012 MAR 30 PM 5: 22

WEST VIRGINIA LEGISLATURE WEST VIRGINIA
EIGHTIETH LEGISLATURE SECRETARY OF STATE
REGULAR SESSION, 2012

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 118

(SENATOR FOSTER, ORIGINAL SPONSOR)

[PASSED MARCH 10, 2012; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 118

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SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 118

(SENATOR FOSTER, original sponsor)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §37-6-11 of the Code of West Virginia, 1931, as amended, relating to termination of a residential lease upon the death of a tenant; permitting termination of a residential lease in certain situations; requiring notice and payment of certain rent; prohibiting waiver; and providing date for applicability of provisions.

Be it enacted by the Legislature of West Virginia:

That §37-6-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 6. LANDLORD AND TENANT.

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

1 (a) Rent may be recovered from the lessee, or other
2 person owing it, or the heir, personal representative, devisee
3 or assignee, who has succeeded to the lessee's estate in the
4 premises. But no assignee shall be liable for rent which
5 became due before his or her interest began. Subject to the
6 provisions of subsection (b), nothing herein shall change or

7 impair the liability of heirs, personal representatives, or
8 devisees, for rent, to the extent and in the manner in which
9 they are liable for other debts of the ancestor or testator; nor
10 shall the mere merger of the reversion to which a rent is
11 incident affect the liability for such rent.

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

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

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

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

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

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

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

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

38 (5) The provisions of this subsection apply to residential
39 property leases entered into or renewed on or after July 1,
40 2012.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

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SECRETARY OF STATE

The within is approved this the 30th
Day of March....., 2012.

[Signature]
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 2 / 2012

Time 3:15pm