SENATE BILL NO. 118

(Senator Foster, original sponsor)

[Passed March 10, 2012; in effect ninety days from passage.]
ENROLLED
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 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
impaired the liability of heirs, personal representatives, or
devises, 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, per-
sonal 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

MAR 2 / 2012

Time 3:15 pm