

H. B. 3177

1
2
3
4
5
6
7
8
9

(By Delegates Lawrence, Marshall, Doyle, Pino,
Hunt and Frazier)
[Introduced February 17, 2011; referred to the
Committee on the Judiciary.]

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §38-1-16, relating to
12 permitting an owner who sells real property pursuant to a deed
13 of trust to terminate a preexisting tenancy; and providing
14 notice requirements.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §38-1-16, to read as
18 follows:

19 **ARTICLE 1. VENDOR'S AND TRUST DEED LIENS.**

20 **§38-1-16. Sale of real property pursuant to a deed of trust;**
21 **preexisting tenancy.**

22 (a) Notwithstanding the notice requirements of section five,
23 article six, chapter thirty-seven of this code, following a sale of
24 residential rental property pursuant to a deed of trust, the
25 tenancy of a tenant occupying the property under an unexpired
26 written lease may be terminated by giving ninety days written
27 notice or by giving written notice thirty days prior to the
28 expiration of the lease, whichever is shorter. However, the tenancy

1 of a tenant occupying the property under a month to month or other
2 tenancy may be terminated by giving thirty days written notice.

3 (b) When notice is given to a tenant, it may be served upon
4 the tenant, or anyone else holding the leased premises, or any part
5 thereof, under the tenant. When notice is given by the tenant, it
6 may be served upon any person owning the premises, in whole or in
7 part, or the agent of an owner.

NOTE: The purpose of this bill is to permit an owner who sells real property pursuant to a deed of trust to terminate a preexisting tenancy. The bill also sets forth the notice requirements.

This section is new; therefore, it has been completely underscored.