

1 **H. B. 4425**

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3 (By Delegates Lawrence, Ferns, Fleischauer,
4 Miley and Morgan)

5 [Introduced February 6, 2012; referred to the
6 Committee on the Judiciary then Finance.]
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10 A BILL to amend and reenact §37-6-30 of the Code of West Virginia,
11 1931, as amended, relating to landlord and tenant; the duty to
12 maintain a premise; requiring a landlord to address issues of
13 accumulation of moisture and the growth of mold; and requiring
14 the landlord to perform mold remediation in accordance with
15 professional standards.

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

17 That §37-6-30 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 6. LANDLORD AND TENANT.**

20 **§37-6-30. Landlord to deliver premises; duty to maintain premises**
21 **in fit and habitable condition.**

22 With respect to residential property:

23 (a) A landlord shall:

24 (1) At the commencement of a tenancy, deliver the dwelling

1 unit and surrounding premises in a fit and habitable condition, and
2 shall thereafter maintain the leased property in such condition;
3 and

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

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

13 (4) Make all repairs necessary to keep the premises in a fit
14 and habitable condition, unless said repairs were necessitated
15 primarily by a lack of reasonable care by the tenant, a member of
16 his or her family or other person on the premises with his or her
17 consent; and

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

23 (6) In multiple housing units, provide and maintain
24 appropriate conveniences for the removal of ashes, garbage, rubbish

1 and other waste incidental to the occupancy of the dwelling unit;
2 and

3 (7) With respect to dwelling units supplied by direct public
4 utility connections, supply running water and reasonable amounts of
5 hot water at all times, and reasonable heat between October 1, and
6 the April 30, except where the dwelling unit is so constructed that
7 running water, heat or hot water is generated by an installation
8 within the exclusive control of the tenant; and

9 (8) Maintain the premises in such a condition as to prevent
10 the accumulation of moisture and the growth of mold and to promptly
11 respond to any notices from a tenant. When the accumulation of
12 moisture in the dwelling unit materially affects the health or
13 safety of any tenant or authorized occupant, the landlord may
14 require the tenant to temporarily vacate the dwelling unit in order
15 for the landlord to perform mold remediation in accordance with
16 professional standards.

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

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

23 (d) For the purposes of this section, the term "multiple
24 housing unit" shall mean a dwelling which contains a room or group

1 of rooms located within a building or structure forming more than
2 one habitable unit for occupants for living, sleeping, eating and
3 cooking.

NOTE: The purpose of this bill is to require a landlord address issues of the accumulation of moisture and the growth of mold to protect the health and safety of his or her tenants, and perform mold remediation in accordance with professional standards.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.