1	Senate Bill No. 118
2	(By Senator Foster)
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4	[Introduced January 11, 2012; referred to the Committee on the
5	Judiciary.]
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10	A BILL to amend and reenact $\$37-9-1$, $\$37-9-2$, $\$37-9-3$ and $\$37-9-4$
11	of the Code of West Virginia, 1931, as amended, all relating
12	to termination of a residential lease upon the death of a
13	tenant; defining terms; requiring notice and payment of
14	certain rent; prohibiting waiver; and providing date for
15	applicability of provisions.
16	Be it enacted by the Legislature of West Virginia:
17	That $§37-9-1$, $§37-9-2$, $§37-9-3$ and $§37-9-4$ of the Code of West
18	Virginia, 1931, as amended, be amended and reenacted, all to read
19	as follows:
20	ARTICLE 9. APPORTIONMENT OF RENT UPON TERMINATION OF LEASE.
21	§37-9-1. Termination of lease upon death of lessee; definition of
22	lessee.
23	(a) Any party to a lease of residential premises other than a

- 1 lease at will, may terminate the lease prior to its expiration date
- 2 in the manner provided in this article upon the death of the lessee
- 3 or, if there is more than one lessee, upon the death of all
- 4 lessees.
- 5 (b) "Lessee" means the person or persons who signed a lease
- 6 for rental of residential property and who occupied the property.
- 7 (c) "Lessor" means the person or persons who own the property
- 8 which is leased to the lessee.

9 **§37-9-2**. Notice.

- 10 (a) Either a lessee who signed the lease with a deceased
- 11 lessee or the personal representative of the lessee's estate may
- 12 terminate the lease upon at least two months' written notice, to be
- 13 effective on the last day of a calendar month. The notice may be
- 14 hand delivered or mailed by postage prepaid, first class United
- 15 States mail, to the address of the other party.
- 16 (b) The termination of a lease under this section does not
- 17 relieve the lessee's estate from liability either for the payment
- 18 of rent or other sums owed prior to or during the notice period, or
- 19 for the payment of amounts necessary to restore the premises to
- 20 their condition at the commencement of the tenancy, ordinary wear
- 21 and tear excepted.

22 §37-9-3. Waiver prohibited.

- 23 An attempted waiver by a lessor, lessee or lessee's personal
- 24 representative, by contract or otherwise, of the right of

- 1 termination provided by this article, and any lease provision or
- 2 agreement requiring a longer notice period than that provided by
- 3 this article, is void and unenforceable.

4 §37-9-4. Applicability.

- 5 The provisions of this article apply to leases entered into or
- 6 renewed on and after July 1, 2012.

NOTE: The purpose of this bill is to provide for the termination of a residential rental lease upon the death of the lessee.

This article has been completely rewritten; therefore, strikethroughs and underscoring have been omitted.