

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5605**

By Delegates Moore, Dittman, and Petitto

[Introduced February 12, 2024; Referred to the  
Committee on Technology and Infrastructure]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §24-2-22; and to amend said code by adding thereto a new a section,  
 3 designated §37-6-31, all relating to clarifying the responsibility of landlords and tenants for  
 4 payment of water use expenses in leased dwellings after broken water pipes.

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

**CHAPTER 24. PUBLIC SERVICE COMMISSION.**

**ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**

**§24-2-22. Payment of water use expenses in leased dwellings after broken water pipes.**

1 Pursuant to §37-6-31 of this code, when a water line breaks or bursts in a rented dwelling,  
 2 not caused by a negligent or intentional act of the tenant, resulting in the tenant's usage and  
 3 invoice during one or more billing cycles to exceed the average invoice amount, the Public Service  
 4 Commission is empowered and shall ensure that the tenant is only responsible during the affected  
 5 billing cycles for the average invoice amount of the tenant's bill. The average invoice amount shall  
 6 be calculated from the 12 months immediately preceding the break or burst for the rented dwelling.  
 7 The amounts exceeding the average invoice amount shall be the responsibility of the landlord.

**CHAPTER 37. REAL PROPERTY.**

**ARTICLE 6. LANDLORD AND TENANT.**

**§37-6-31. Landlord and tenant responsibility for excess water use after broken water pipes.**

1 (a) Legislative findings. – The Legislature finds that increasingly, tenants have had water  
 2 lines or water pipes break in their dwelling and are sometimes left with large water bills when the  
 3 landlord does not timely repair or replace these pipes. These failures to repair or replace pipes can  
 4 result in large increases in the tenant's monthly water usage and bill. Landlords are also faced with  
 5 large expenses to repair broken water lines in the dwelling to ensure its continued habitability.  
 6 Ensuring that landlords timely repair and replace worn or broken water lines will benefit both  
 7 tenants and landlords by preserving the habitability of property and preserving uniformity in water

8 usage and bills.

9 (b) Extra costs to be paid by landlord. – When a water line breaks or bursts in a rented  
10 dwelling, not caused by a negligent or intentional act of the tenant, resulting in the tenant's usage  
11 and invoice during one or more billing cycles to exceed the average invoice amount, the tenant is  
12 only responsible during the affected billing cycles to pay the average invoice amount. The average  
13 invoice amount shall be calculated from the 12 months immediately preceding the break or burst  
14 for the rented dwelling. The amounts exceeding the average invoice amount shall be the  
15 responsibility of the landlord.

NOTE: The purpose of this bill is to clarify the responsibility of landlords and tenants for payment of water use expenses in leased dwellings after broken water pipes.

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