

**H. B. 3177**

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

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

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

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

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

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

(a) Notwithstanding the notice requirements of section five, article six, chapter thirty-seven of this code, following a sale of residential rental property pursuant to a deed of trust, the tenancy of a tenant occupying the property under an unexpired written lease may be terminated by giving ninety days written notice or by giving written notice thirty days prior to the 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.