

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2027

By Delegate Mallow

[Introduced January 11, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §37-6-5 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §37-6-31, all relating to
 3 termination of leaseholds, requiring law enforcement participation in eviction notice
 4 service, and requiring eviction notices expressly state tenant rights under this section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. LANDLORD AND TENANT.

§37-6-5. Notice to terminate tenancy.

1 A tenancy from year to year may be terminated by either party giving notice in writing to the
 2 other, at least three months prior to the end of any year, of his or her intention to terminate the
 3 same. A periodic tenancy, in which the period is less than one year, may be terminated by like
 4 notice, or by notice for one full period before the end of any period. When ~~such~~ the notice is to the
 5 tenant, it may be served upon him or her, or upon anyone holding under him or her the leased
 6 premises, or any part thereof. When notice of termination of tenancy is to be served to the tenant,
 7 the notice shall be served by a qualified law-enforcement officer of that jurisdiction. When it is by
 8 the tenant, it may be served upon anyone who at the time owns the premises in whole or in part, or
 9 the agent of such owner, or according to the common law. This section ~~shall~~ may not apply where,
 10 by special agreement, some other period of notice is fixed, or no notice is to be given; nor ~~shall~~
 11 may notice be necessary from or to a tenant whose term is to end at a certain time.

§37-6-31. Requiring full involvement of law enforcement in presentation of eviction notice.

1 (a) For any termination of a lease under this article, notice shall be served to the tenant by a
 2 qualified law-enforcement officer of that jurisdiction.

3 (b) The notice of termination under this article shall expressly notify the tenant of all rights
 4 they have under this article, including the date of final removal of their personal effects from the
 5 property and their process for appeal.

NOTE: The purpose of this bill is to require and make mandatory the full involvement of law

enforcement in the person-to-person presentation of an eviction notice.

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