

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2537**

By Delegates Brooks, Green, Foggin, Pritt, and Kump

[Introduced February 18, 2025; 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, relating to  
 2 allowing service upon tenants for eviction proceedings to be accomplished by publication  
 3 or by posting the notice conspicuously on the premises if the tenant will not accept service  
 4 of process in person.

*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 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. In the event that the tenant refuses to accept service of process or  
 7 fails to open the door to accept service, the landlord may accomplish service by publication in  
 8 accordance with Rule Four of the West Virginia Rules of Civil Procedure, or authorize the process  
 9 server to post the notice conspicuously on the front door of the unit where it can be seen and  
 10 attach photographic evidence thereof with all necessary filings. When it is by the tenant, it may be  
 11 served upon anyone who at the time owns the premises in whole or in part, or the agent of such  
 12 owner, or according to the common law. This section shall not apply where, by special agreement,  
 13 some other period of notice is fixed, or no notice is to be given; nor shall notice be necessary from  
 14 or to a tenant whose term is to end at a certain time.

NOTE: The purpose of this bill is to permit service upon tenants for eviction proceedings to be accomplished by publication or by posting the notice conspicuously on the premises if the tenant will not accept service of process in person.

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