

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

House Bill 3272

BY DELEGATES AKERS, LEAVITT, FLANIGAN, AND

FUNKHOUSER

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

1 AN ACT to amend and reenact §55-3A-1 of the Code of West Virginia, 1931, as amended, relating
2 to eviction proceedings; requiring hearing to be scheduled upon filing the petition;
3 permitting tenants to file and serve written defense to eviction petition within five days of
4 the tenant's receipt of notice of petition; and providing that the hearing shall be scheduled
5 five to 10 judicial days following filing of the petition.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3A. REMEDIES FOR WRONGFUL OCCUPATION OF RESIDENTIAL
RENTAL PROPERTY.**

§55-3A-1. Petition for summary relief for wrongful occupation of residential rental property.

1 (a) A person desiring to remove a tenant from residential rental property may apply for
2 relief to the magistrate court or the circuit court of the county in which the property is located, by
3 verified petition, setting forth the following:

4 (1) That he or she is the owner or agent of the owner and as such has a right to recover
5 possession of the property;

6 (2) A brief description of the property sufficient to identify it;

7 (3) That the tenant is wrongfully occupying the property in that the tenant is in arrears in
8 the payment of rent, has breached a warranty or a leasehold covenant, or has deliberately or
9 negligently damaged the property or knowingly permitted another person to do so, and describing
10 the arrearage, breach, or act or omission; and

11 (4) A prayer for possession of the property.

12 (b) Upon filing the petition, the court shall schedule a hearing, which may not be less than
13 five nor more than 10 judicial days following the filing of the petition.

14 (c) Immediately upon being apprised of the time and place for hearing the petitioner shall
15 cause a notice of the hearing to be served upon the tenant in accordance with the provisions of
16 Rule 4 of the West Virginia Rules of Civil Procedure or by certified mail, return receipt requested.

17 The notice shall inform the tenant that any written defense to the petition may be filed and served
18 upon the petitioner within five days of the receipt by the tenant of the notice. Upon receipt of the
19 return of service or the return receipt as the case may be, evidencing service upon the tenant, the
20 petitioner shall file with the court his or her petition and the proof of service.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor