

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3272

By Delegates Akers, Leavitt, Flanigan, and
Funkhouser

[Introduced March 10, 2025; referred to the
Committee on the Judiciary]

1 A BILL 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; and
3 providing that the hearing shall be scheduled five to 10 judicial days following filing of the
4 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 such relief to the magistrate court or the circuit court of the county in which ~~such~~ the property is
3 located, by 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 such 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 such arrearage, breach, or act or omission; and

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

12 (b) ~~Previous to the filing of the petition the person shall request from the court the time and~~
13 ~~place at which the petitioner shall be heard. The~~ Upon filing the petition, the court shall ~~fix a time for~~
14 ~~such~~ schedule a hearing, which time shall may not be less than five nor more than 10 judicial days
15 following ~~such request~~ the filing of the petition.

16 (c) Immediately upon being apprised of the time and place for hearing the petitioner shall
17 cause a notice of the ~~same~~ hearing to be served upon the tenant in accordance with the provisions

18 of Rule 4 of the West Virginia rules of civil procedure or by certified mail, return receipt requested.
19 ~~Such~~ The notice shall inform the tenant that any defense to the petition ~~must~~ shall be submitted in
20 writing to the petitioner within five days of the receipt by the tenant of the notice, and in no case
21 later than the fifth day next preceding the date of hearing. Upon receipt of the return of service or
22 the return receipt as the case may be, evidencing service upon the tenant, the petitioner shall file
23 with the court his or her petition and such proof of service.

NOTE: The purpose of this bill is to update the timeframe for the scheduling of the hearing on a petition for eviction, and the timeframe for the hearing itself.

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