

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 641

By Senator Willis

[Introduced March 3, 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 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 court shall fix a time for such~~ Upon filing the
14 petition, the court shall schedule a hearing, which time shall not be less than five nor more than 10
15 judicial days 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 to be served upon the tenant in accordance with the provisions of Rule

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

NOTE: The purpose of this bill is to require hearings for eviction proceedings to be scheduled upon filing the petition and provide that the hearing shall be scheduled five to 10 judicial days following filing of the petition.

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