

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4471

By Delegates Green, Hott, Linville, Heckert, Moore,
Jeffries, Zatezalo, Martin, Brooks, Hillenbrand, and
Mallow

[Originating in the Committee on Energy and Public
Works; Reported on February 11, 2026]

1 A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §37-6-30a, relating to landlord and tenant; providing definitions; requiring
3 approved sewage disposal systems for all rental properties; providing enforcement by
4 appropriate authority; providing remedies and providing that a temporary failure of a
5 previously approved sewage disposal system due to a line break or mechanical failure
6 shall not necessarily constitute a violation under certain circumstances.

Be it enacted by the Legislature of West Virginia:

CHAPTER 37. REAL PROPERTY.

ARTICLE 6. LANDLORD AND TENANT.

§37-6-30a. Sewage disposal requirements for rental properties.

1 (a) Definitions. — As used in this section:

2 (1) “Approved sewage disposal system” means a septic system, public or private sewer
3 system, or other method of sewage or excreta disposal that has been approved by, or installed
4 pursuant to a permit issued by, the Commissioner of the Bureau for Public Health or his or her
5 authorized representative in accordance with §16-1-9 of this code and the rules promulgated
6 thereunder. The term shall also include any existing sewage disposal system that, while not having
7 obtained a permit under §16-1-9 of this code, is functioning in a manner that does not create a
8 health hazard affecting the public, does not result in the surfacing of sewage or effluent, and does
9 not violate any applicable federal, state, or local law, rule, or regulation governing water pollution
10 or sewage disposal: *Provided*, That straight piping as defined in this section shall not constitute an
11 existing sewage disposal system under this paragraph regardless of the duration of its use.
12 Nothing in this paragraph shall be construed to limit the authority of the Commissioner of the
13 Bureau for Public Health to require permits, order alterations, or pursue enforcement under §16-1-
14 9 of this code with respect to any sewage disposal system.

15 (2) “Rental property” means any dwelling unit, as defined in §37-6A-1 of this code, that is
16 leased or offered for lease to a tenant for residential use.

17 (3) “Straight piping” means the discharge, release, or conveyance of raw or untreated
18 sewage or human excreta from any dwelling through any pipe, ditch, channel, conduit, or other
19 conveyance, directly or indirectly, onto the surface of the ground, into or upon any waters of the
20 state, over any hillside or embankment, into any ravine, sinkhole, abandoned mine, or other
21 natural or man-made opening, or by any other method or means that does not utilize an approved
22 sewage disposal system as defined in this section.

23 (b) Requirement. — No person shall lease or offer for lease any rental property in this state
24 unless such property is served by an approved sewage disposal system. The use of straight piping
25 to dispose of sewage from any rental property is prohibited.

26 (c) Enforcement. — The Commissioner of the Bureau for Public Health or his or her
27 authorized representative shall enforce the provisions of this section in accordance with the
28 authority granted under §16-1-9 of this code. Local boards of health and county health
29 departments may receive and refer complaints regarding violations of this section to the
30 Commissioner or his or her authorized representative for investigation and enforcement.

31 (d) Tenant remedies. — A violation of §37-6-30a (b) of this Code shall constitute a violation
32 of the landlord’s duty to maintain the premises in a fit and habitable condition under §37-6-30 of
33 this code, and the tenant shall have all remedies available under that section. A temporary failure
34 of a previously approved sewage disposal system due to a line break or mechanical failure shall
35 not constitute a violation of §37-6-30a (b) of this Code if the landlord notifies the tenant in writing
36 promptly upon discovery of the failure and completes or diligently pursues repairs within 30 days of
37 discovery, unless an extension of time is authorized by the Commissioner of the Bureau for Public
38 Health or his or her designee in accordance with §16-1-9 of this code.