

West Virginia

Landlord-Tenant Compliance Guide

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■■ IMPORTANT LEGAL DISCLAIMER

This guide provides a summary of key compliance requirements for residential landlord-tenant relationships in West Virginia. It is not legal advice and should not be relied upon as a substitute for consultation with a qualified attorney. Laws change frequently; always verify current requirements with official state sources or legal counsel. enCompliance.com provides this information as-is and makes no warranties regarding accuracy or completeness.

■ Severity Indicators:

- **Critical** - Must comply (legal requirement)
- **Important** - Should follow (best practice)
- **Standard** - Good to know (general info)

■ This guide covers 103 compliance requirements across 17 categories

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1. ABANDONMENT & PERSONAL PROPERTY

● 1. Abandonment Definition (WV Code § 37-6-6)

■ Legal Reference: [WV Code § 37-6-6](#) (click to view statute)

● 2. Notice to Tenant (WV Code § 55-3A-3(h))

■ Legal Reference: [WV Code § 55-3A-3\(h\)](#) (click to view statute)

● 3. Storage Requirements (WV Code § 55-3A-3(h))

■ Legal Reference: [WV Code § 55-3A-3\(h\)](#) (click to view statute)

● 4. Disposal of Property (WV Code § 55-3A-3(h-i))

■ Legal Reference: [WV Code § 55-3A-3\(h-i\)](#) (click to view statute)

● 5. Vehicle Abandonment (No specific statute)

■ Legal Reference: *No specific statute*

2. ADDITIONAL COMPLIANCE

● 1. Rent Control (No statute)

■ Legal Reference: *No statute*

● 2. Smoking Policies (No specific statute)

■ Legal Reference: *No specific statute*

● 3. Bedbug Disclosure (No specific statute)

■ Legal Reference: *No specific statute*

3. CORE LEASE REQUIREMENTS

● 1. Lease Formation & Disclosures (WV Code § 37-6A-1(14))

■ Legal Reference: [WV Code § 37-6A-1\(14\)](#) (click to view statute)

● 2. Written Lease Requirements (No specific statute)

■ *Legal Reference: No specific statute*

● **3. Lease Language Requirements (WV Code § 37-6A-4)**

■ *Legal Reference: [WV Code § 37-6A-4](#) (click to view statute)*

● **4. Lease Addendums (Various WV Code sections)**

■ *Legal Reference: [Various WV Code sections](#) (click to view statute)*

● **5. Lease Renewal (No specific statute)**

■ *Legal Reference: No specific statute*

● **6. Lease Termination (WV Code § 37-6-5)**

■ *Legal Reference: [WV Code § 37-6-5](#) (click to view statute)*

● **7. Early Termination (Federal SCRA, common law)**

■ *Legal Reference: [Federal SCRA, common law](#) (click to view statute)*

4. ENTRY & ACCESS

● **1. Notice of Entry (No specific statute)**

■ *Legal Reference: No specific statute*

● **2. Emergency Entry (No specific statute)**

■ *Legal Reference: No specific statute*

● **3. Entry for Maintenance (No specific statute)**

■ *Legal Reference: No specific statute*

● **4. Entry for Showings (No specific statute)**

■ *Legal Reference: No specific statute*

● **5. Tenant's Right to Privacy (Implied covenant of quiet enjoyment)**

■ *Legal Reference: Implied covenant of quiet enjoyment*

5. EVICTION PROCEDURES

● **1. Grounds for Eviction (WV Code § 55-3A-1)**

■ *Legal Reference: [WV Code § 55-3A-1](#) (click to view statute)*

● **2. Notice Requirements (WV Code § 55-3A-1)**

■ *Legal Reference: [WV Code § 55-3A-1](#) (click to view statute)*

● **3. Eviction Process (WV Code § 55-3A-1 to § 55-3A-3)**

■ *Legal Reference: [WV Code § 55-3A-1 to § 55-3A-3](#) (click to view statute)*

● **4. Eviction Timeline (WV Code § 55-3A-1, § 55-3A-3)**

■ *Legal Reference: [WV Code § 55-3A-1, § 55-3A-3](#) (click to view statute)*

● **5. Self-Help Eviction Prohibited (WV Code § 55-3A-1 (by implication))**

■ *Legal Reference: [WV Code § 55-3A-1 \(by implication\)](#) (click to view statute)*

● **6. Tenant Defenses (WV Code § 55-3A-2, § 55-3A-3)**

■ *Legal Reference: [WV Code § 55-3A-2, § 55-3A-3](#) (click to view statute)*

● **7. Writ of Possession (WV Code § 55-3A-3(f))**

■ *Legal Reference: [WV Code § 55-3A-3\(f\)](#) (click to view statute)*

● **8. Appeals (WV Code § 55-3A-3(g))**

■ *Legal Reference: [WV Code § 55-3A-3\(g\)](#) (click to view statute)*

6. FAIR HOUSING

● **1. Protected Classes (State) (WV Code § 5-11A-5)**

■ *Legal Reference: [WV Code § 5-11A-5](#) (click to view statute)*

● **2. Protected Classes (Federal) (Federal Fair Housing Act (42 USC 3604))**

■ *Legal Reference: [Federal Fair Housing Act \(42 USC 3604\)](#) (click to view statute)*

● **3. Prohibited Actions (WV Code § 5-11A-5)**

■ *Legal Reference: [WV Code § 5-11A-5](#) (click to view statute)*

● **4. Reasonable Accommodations (WV Code § 5-11A-5, Federal FHA)**

■ *Legal Reference: [WV Code § 5-11A-5, Federal FHA](#) (click to view statute)*

● **5. Familial Status Protections (WV Code § 5-11A-5, Federal FHA)**

■ *Legal Reference: [WV Code § 5-11A-5, Federal FHA](#) (click to view statute)*

● **6. Accessibility Requirements (WV Code § 5-11A-5(c), Federal FHA)**

■ *Legal Reference:* [WV Code § 5-11A-5\(c\), Federal FHA](#) (click to view statute)

7. FINANCIAL TERMS

● **1. Rent Amount & Payment (No specific statute)**

■ *Legal Reference:* [No specific statute](#)

● **2. Rent Increases (No specific statute)**

■ *Legal Reference:* [No specific statute](#)

● **3. Late Fees (WV Code § 37-6A-1(11), § 37-6A-2(b)(1))**

■ *Legal Reference:* [WV Code § 37-6A-1\(11\), § 37-6A-2\(b\)\(1\)](#) (click to view statute)

● **4. Returned Check Fees (WV Division of Financial Institutions)**

■ *Legal Reference:* [WV Division of Financial Institutions](#)

● **5. Application Fees (No specific statute)**

■ *Legal Reference:* [No specific statute](#) (click to view statute)

8. LEASE SPECIFIC REQUIREMENTS

● **1. Written Lease Duration (Statute of Frauds)**

■ *Legal Reference:* [Statute of Frauds](#)

● **2. Required Lease Provisions (No specific statute)**

■ *Legal Reference:* [No specific statute](#)

● **3. Prohibited Lease Provisions (WV Code § 37-6A-4)**

■ *Legal Reference:* [WV Code § 37-6A-4](#) (click to view statute)

● **4. Attorney Fees Clauses (WV Code § 37-6A-4)**

■ *Legal Reference:* [WV Code § 37-6A-4](#) (click to view statute)

● **5. Automatic Renewal Clauses (No specific statute)**

■ *Legal Reference:* [No specific statute](#)

● **6. Early Termination Fees (No specific statute)**

■ *Legal Reference:* [No specific statute](#)

● 7. Lease Assignment & Transfer (No specific statute)

■ *Legal Reference: No specific statute*

9. LEASE TERMS & AGREEMENTS

● 1. Subletting & Assignment (WV Code § 37-6A-1(15))

■ *Legal Reference: [WV Code § 37-6A-1\(15\)](#) (click to view statute)*

● 2. Lease Violations (WV Code § 55-3A-1)

■ *Legal Reference: [WV Code § 55-3A-1](#) (click to view statute)*

● 3. Landlord's Right to Access (No specific statute)

■ *Legal Reference: No specific statute*

● 4. Tenant's Duty to Maintain (WV Code § 37-6-30(c))

■ *Legal Reference: [WV Code § 37-6-30\(c\)](#) (click to view statute)*

● 5. Alterations & Modifications (No specific statute)

■ *Legal Reference: No specific statute*

● 6. Occupancy Limits (Local ordinances vary)

■ *Legal Reference: Local ordinances vary*

10. PET POLICIES

● 1. Pet Permissions (No specific statute)

■ *Legal Reference: No specific statute*

● 2. Pet Deposits & Fees (WV Code § 37-6A-1(14))

■ *Legal Reference: [WV Code § 37-6A-1\(14\)](#) (click to view statute)*

● 3. Service Animals (Federal Fair Housing Act, WV Code § 5-11A)

■ *Legal Reference: [Federal Fair Housing Act, WV Code § 5-11A](#) (click to view statute)*

● 4. Pet-Related Damages (WV Code § 37-6A-2(b)(2))

■ *Legal Reference: [WV Code § 37-6A-2\(b\)\(2\)](#) (click to view statute)*

11. PROPERTY CONDITIONS

- **1. Habitability Standards (WV Code § 37-6-30)**
■ *Legal Reference: [WV Code § 37-6-30](#) (click to view statute)*
- **2. Essential Services (WV Code § 37-6-30(a)(7))**
■ *Legal Reference: [WV Code § 37-6-30\(a\)\(7\)](#) (click to view statute)*
- **3. Repair & Maintenance (WV Code § 37-6-30(a)(4-5))**
■ *Legal Reference: [WV Code § 37-6-30\(a\)\(4-5\)](#) (click to view statute)*
- **4. Repair & Deduct (No specific statute)**
■ *Legal Reference: No specific statute*
- **5. Constructive Eviction (Common law)**
■ *Legal Reference: Common law*
- **6. Mold & Environmental Hazards (WV Code § 37-6-30 (general habitability))**
■ *Legal Reference: [WV Code § 37-6-30 \(general habitability\)](#) (click to view statute)*
- **7. Bed Bugs (No specific statute)**
■ *Legal Reference: No specific statute*
- **8. Lead-Based Paint (Federal law (42 USC 4852d))**
■ *Legal Reference: [Federal law \(42 USC 4852d\)](#) (click to view statute)*
- **9. Asbestos Disclosure (No specific statute)**
■ *Legal Reference: No specific statute*
- **10. Radon Disclosure (No specific statute)**
■ *Legal Reference: No specific statute*
- **11. Smoke & Carbon Monoxide Detectors (WV Code § 15A-10-12)**
■ *Legal Reference: [WV Code § 15A-10-12](#) (click to view statute)*
- **12. Garbage & Waste Removal (WV Code § 37-6-30(a)(6))**
■ *Legal Reference: [WV Code § 37-6-30\(a\)\(6\)](#) (click to view statute)*

12. PROPERTY MANAGEMENT SPECIFIC

● 1. Licensing Requirements (WV Code § 30-40-3, § 30-40-4)

■ *Legal Reference:* [WV Code § 30-40-3, § 30-40-4](#) (click to view statute)

● 2. Broker License Qualifications (WV Code § 30-40-12)

■ *Legal Reference:* [WV Code § 30-40-12](#) (click to view statute)

● 3. Trust Account Requirements (WV Code § 30-40-18)

■ *Legal Reference:* [WV Code § 30-40-18](#) (click to view statute)

● 4. Property Manager Disclosure (No specific statute)

■ *Legal Reference:* No specific statute

● 5. Record Keeping (WV Code § 37-6A-3, § 30-40)

■ *Legal Reference:* [WV Code § 37-6A-3, § 30-40](#) (click to view statute)

● 6. Change of Ownership (WV Code § 37-6A-2(e))

■ *Legal Reference:* [WV Code § 37-6A-2\(e\)](#) (click to view statute)

● 7. Property Registration (No statewide requirement)

■ *Legal Reference:* No statewide requirement

● 8. Inspection Requirements (No statewide requirement)

■ *Legal Reference:* No statewide requirement

13. RETALIATION & HARASSMENT

● 1. Anti-Retaliation (No specific statute)

■ *Legal Reference:* No specific statute

● 2. Harassment Prohibitions (Implied covenant of quiet enjoyment)

■ *Legal Reference:* Implied covenant of quiet enjoyment

● 3. Privacy Violations (No specific statute)

■ *Legal Reference:* No specific statute

● 4. Retaliatory Eviction (No specific statute)

■ *Legal Reference:* No specific statute

14. SECURITY DEPOSITS

- 1. Security Deposit Maximum (No statutory maximum)
■ *Legal Reference: No statutory maximum*
- 2. Security Deposit Holding (WV Code § 37-6A-2, § 37-6A-3)
■ *Legal Reference: [WV Code § 37-6A-2, § 37-6A-3](#) (click to view statute)*
- 3. Security Deposit Return Deadline (WV Code § 37-6A-2(a))
■ *Legal Reference: [WV Code § 37-6A-2\(a\)](#) (click to view statute)*
- 4. Allowable Deductions (WV Code § 37-6A-2(b))
■ *Legal Reference: [WV Code § 37-6A-2\(b\)](#) (click to view statute)*
- 5. Itemization Requirements (WV Code § 37-6A-2(a))
■ *Legal Reference: [WV Code § 37-6A-2\(a\)](#) (click to view statute)*
- 6. Penalties for Wrongful Withholding (WV Code § 37-6A-5)
■ *Legal Reference: [WV Code § 37-6A-5](#) (click to view statute)*
- 7. Walk-Through Inspections (No specific statute)
■ *Legal Reference: No specific statute*
- 8. Transfer of Security Deposit (WV Code § 37-6A-2(e))
■ *Legal Reference: [WV Code § 37-6A-2\(e\)](#) (click to view statute)*

15. SPECIAL SITUATIONS

- 1. Domestic Violence (No specific statute)
■ *Legal Reference: No specific statute*
- 2. Military Service (SCRA) (Federal Servicemembers Civil Relief Act (50 USC 3901))
■ *Legal Reference: [Federal Servicemembers Civil Relief Act \(50 USC 3901\)](#) (click to view statute)*
- 3. Death of Tenant (No specific statute)
■ *Legal Reference: No specific statute*
- 4. Foreclosure (Federal Protecting Tenants at Foreclosure Act)
■ *Legal Reference: [Federal Protecting Tenants at Foreclosure Act](#) (click to view statute)*

● **5. Condemnation (No specific statute)**

■ *Legal Reference: [No specific statute](#)*

● **6. Disaster/Casualty Loss (No specific statute)**

■ *Legal Reference: [No specific statute](#)*

● **7. Bankruptcy (Federal Bankruptcy Code (11 USC))**

■ *Legal Reference: [Federal Bankruptcy Code \(11 USC\)](#) (click to view statute)*

16. TENANT SCREENING

● **1. Application Fees (No specific statute)**

■ *Legal Reference: [No specific statute](#) (click to view statute)*

● **2. Background Checks (Fair Credit Reporting Act (Federal))**

■ *Legal Reference: [Fair Credit Reporting Act \(Federal\)](#) (click to view statute)*

● **3. Criminal History Considerations (HUD Guidance, WV Fair Housing)**

■ *Legal Reference: [HUD Guidance, WV Fair Housing](#) (click to view statute)*

● **4. Income Requirements (No specific statute)**

■ *Legal Reference: [No specific statute](#)*

● **5. Occupancy Standards (Fair Housing Act, local codes)**

■ *Legal Reference: [Fair Housing Act, local codes](#) (click to view statute)*

17. UTILITIES

● **1. Utility Responsibility (WV Code § 37-6-30(a)(7), § 37-6A-1(17))**

■ *Legal Reference: [WV Code § 37-6-30\(a\)\(7\), § 37-6A-1\(17\)](#) (click to view statute)*

● **2. Utility Shut-Off Prohibited (WV Code § 55-3A (by implication))**

■ *Legal Reference: [WV Code § 55-3A \(by implication\)](#) (click to view statute)*

● **3. Unpaid Utility Deductions (WV Code § 37-6A-2(b)(3))**

■ *Legal Reference: [WV Code § 37-6A-2\(b\)\(3\)](#) (click to view statute)*

Severity Indicators:

- Critical requirement (must comply)
- Important guideline (should follow)
- Standard information (good to know)

For the most current information, always consult official state sources.

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