

# WEST VIRGINIA TENANTS: Know Your Rights!

## Do you lease a house or apartment in West Virginia

Have you complained to your landlord about lead paint, dirty drinking water, or another environmental, health, or safety issue but gotten no response?

Under West Virginia law, your landlord **must**:

- Provide and maintain a space suitable for human occupancy
- Comply with all pertinent health, safety, fire, and housing codes
- Provide, maintain, and repair common spaces such as stairwells
- Make all necessary repairs
- Provide, maintain, and repair all electrical, plumbing, sanitation, heating, ventilation, air-conditioning, and elevator systems
- Provide and maintain access to hot water at all times, and provide reasonable heat between October 1st and April 30th
- In multi-unit housing, provide and maintain tenants with garbage, ash, and other waste disposal tools

If you think these rights have been violated, you may have a case for damages or a reduction of repair costs from your rent. When your apartment is uninhabitable, you may be able to terminate the lease.



**Fair Shake**<sup>®</sup>  
Environmental Legal Services

**Have questions? Reach out!**

**Fair Shake Environmental Legal Services**

412-664-5546

<https://www.fairshake-els.org/contact>

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This document is not legal advice and people should consult with an attorney about their specific housing rights before taking action to break a lease or other legal commitment.

# WEST VIRGINIA TENANTS: Follow These Steps!

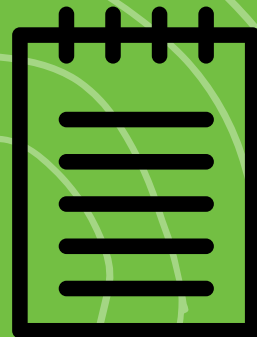
I have environmental, health, or safety concerns about the property I rent.

**What should I do?**

## KEEP RECORDS!

When possible, take pictures or videos of the problem. Take notes by paper or on an app on your phone. Treat this like a diary and create a timeline charting the course of your problems.

1



## NOTIFY YOUR LANDLORD

2

Using the photos, videos, and notes you've taken, draft a brief but thorough note to your landlord outlining the hazards in your home. Be sure to send this note to the person or address where you send your rent. It's always good to add in a fail-safe: send both a letter and an email. Use the notice letter template on Fair Shake's website.

## GIVE YOUR LANDLORD TIME TO FIX THE ISSUE

Under WV law, after notifying your landlord of the issue, you must give them a chance to respond and fix it. If you are current on your rent and the landlord fails to fix the issue in 14 days, you can terminate your rental agreement or see Step 4.

3



## SELF-HELP, PUBLIC HEALTH, OR A LAWSUIT?

4

Unlike Ohio and Pennsylvania, West Virginia does not allow tenants to withhold rent until repairs are made. If your landlord doesn't make the needed repairs in 14 days, you have two options: (1) pay for the changes yourself and deduct the cost from future rent or (2) sue your landlord. Whatever route you choose, you should contact your local Department of Public Health or Safety and ask them to inspect the premises. Doing this will put more pressure on your landlord to make the needed changes.

## ASK THE COURT FOR HELP

The last option you have is to ask your local magistrate court to order your landlord to make the changes, release you from the lease without penalty, or for any additional help. To do this, you'll first need to find your local magistrate (<http://www.courtswv.gov/public-resources/court-information-by-county.html>). Once you find your magistrate, complete this form (<http://www.courtswv.gov/lower-courts/magistrate-forms/C5-CivilComplaint-SCA-M207.pdf>) and sent it to the court clerk, whose contact information can be found at the first link. You can also contact the clerk with any questions about how you should complete the form.

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