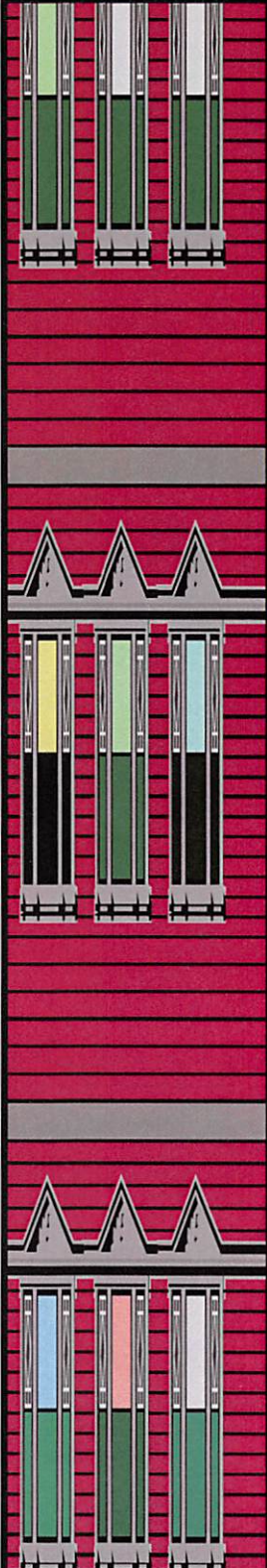


Landlord and Tenants: Rights and Responsibilities

FACT SHEET: Frequently Asked Questions



Can a landlord ask me personal questions?

Yes, as long as the questions pertain to the rental process and the questions are not discriminatory based on the protected classes in the Fair Housing Acts. For instance, a landlord can ask about your credit rating and criminal history but can only ask about your disability if it relates directly to your request for a reasonable accommodation. Of course, subsidized housing does require sharing extensive personal information in both applying and continuing occupancy, but it has limits as well.

Can a landlord come into my apartment at anytime?

No, the landlord must make an appointment with the tenant except in an emergency. Tenants have the right to the quiet and peaceful enjoyment of their rental property.

Can I withhold rent money?

No, unless the landlord has failed to maintain the rental property in a fit and habitable manner which includes providing necessities like water, electricity and heat.

Can a landlord withhold my security deposit?

No, the landlord must return the security deposit in a timely manner that meets the requirements in WV law. The landlord must give a written itemized statement to the tenant that proves damages to the property above normal wear and tear. The landlord can deduct the damages from the security deposit. The landlord can also deduct back rent, utilities if still owed when the tenant leaves or paid for by landlord, and storage/removal costs for personal property left by tenant.

Can a landlord personally evict me?

No, the landlord must go to court for an eviction notice. The landlord can personally give you the eviction notice but can not make you leave by force or by changing the locks without an order from the court. The court will usually assign someone to serve the eviction notice to the tenant.



Can a landlord threaten to turn off utilities to a rental property?

No, the landlord can not threaten to turn off utilities or to make any other kind of threat to a tenant.

Does West Virginia have a standardized lease?

No, so tenants must be careful to check for unexpected requirements in the lease that might not be in the tenant's best interests. A landlord might write the lease to waive building defects like an elevator that does not work or the lease might exempt the landlord from being liable for damages to the tenant's personal property caused by damage from a fire caused by faulty electrical wiring.

Can I keep a copy of the lease?

Yes, you should always keep a copy of your lease, as well as the phone number for your landlord or property manager.

Can I get help to pay for an attorney if I need one?

Maybe. A tenant may file an Affidavit of Indigency, which if granted by the court, will waive some court costs. You also can contact Legal Aid of WV at **866-255-4370** or **www.lawv.org** or WV Senior Legal Aid at **800-229-5068** or **www.seniorlegalaid.org** for legal advice.

Can I call someone if I feel discriminated against??

Yes, if you believe your landlord is discriminating against you based on Fair Housing law, call **304-296-6091** for information, to speak to the Housing Advocate, or to receive a copy of the Landlord and Tenants Rights and Responsibilities booklet.

Alternate formats are available upon request.

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This publication offers legal information, not legal advice. We make every effort to ensure the accuracy of the information and to clearly explain your options. However, we do not provide legal advice on how the law applies to your individual circumstances. For legal advice, you should consult an attorney.

For more information contact the WV Fair Housing Action Network (WVFHAN)

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