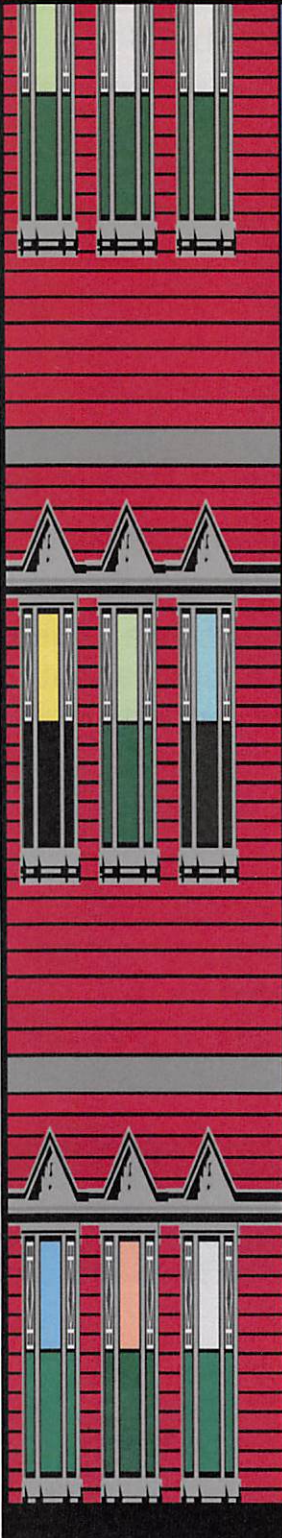


Landlord and Tenants: Rights and Responsibilities

FACT SHEET: Finding and Leasing A Rental



Residential tenants and landlords have legal rights under West Virginia law. Tenants have the right to fully use and occupy the rental property they have rented as their home.

Landlords have the right to fully expect tenants to fulfill their responsibilities under the lease, such as, paying rent on time and maintaining the property according to requirements in the lease.

Rental Application

Most landlords will require a tenant to fill out an application, which will ask many questions about the tenant's background, credit history and finances.

Discrimination

The landlord can refuse to rent to anyone for any reason unless the reason is a discriminatory reason that violates civil rights laws such as the Fair Housing Act.

Fair Housing

West Virginia and U.S. Fair Housing laws ban discrimination in housing based on race, religion, color, national origin, ancestry, sex, blindness, disability or familial status.

The Fair Housing Acts require landlords to make reasonable accommodations that provide people with disabilities equal housing opportunities.

The Acts require landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space. In most cases, landlords are not required to pay for modifications within rental units unless the building was constructed after March 13, 1991.

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Landlords are required to allow tenants to pay for and make reasonable modifications, for instance, grab bars in the bathroom. The landlord may require removal of the modifications when a tenant's lease is up.

Landlords may be responsible for making reasonable modifications to common use areas, such as mail rooms and laundry facilities in buildings constructed after March 13, 1991.

The Lease

- **Do** get a written lease. Although West Virginia law allows oral leases for leases of less than one year, **don't** do it. A written lease helps prevent misunderstandings and disagreements between landlords and tenants.
- **Do** have a lawyer, family member or friend who understands leases to read over the lease before you sign it. Another set of eyes may catch items you missed.
- **Do** not sign a lease that gives the landlord an automatic extension of the lease.
- **Do** make sure the lease itemizes the landlord's responsibilities, for instance, plumbing and electrical problems.
- **Do** make sure the lease is clear about your responsibilities, for instance, when your rent is due and what the grace period for payment is, restrictions about pets, and restrictions on activities that might damage the rental property or disturb other tenants.
- **Do** make sure the lease provides a procedure that the landlord must follow to enter your apartment.
- **Do** make sure the lease clearly states whether you or the landlord is responsible for utilities, such as, electric, gas, cable, water, sewage and trash collection. **Don't** forget to report a landlord who has demonstrated discriminatory behavior toward you. **Do** call our Housing Advocate at **304-296-6091** if you aren't sure what to do.

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

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