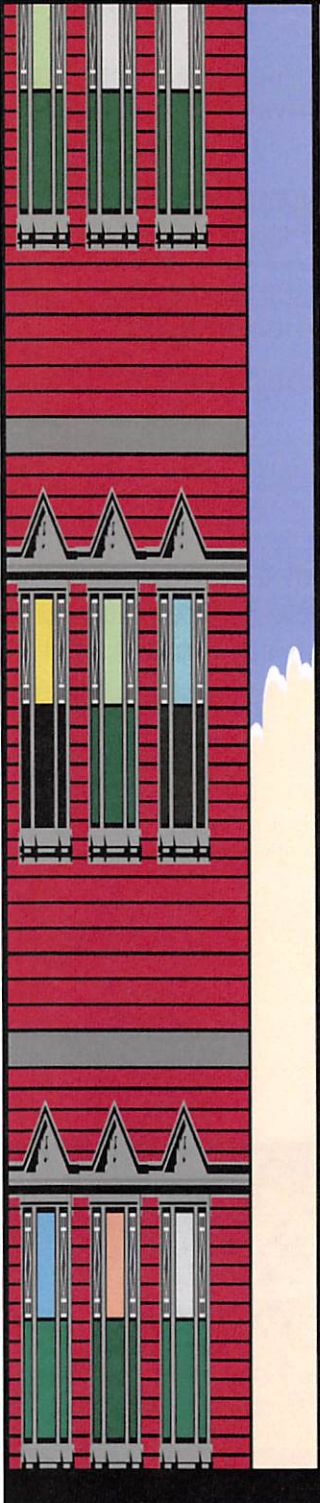


Landlord and Tenants: Rights and Responsibilities

FACT SHEET: Renting A Property



Leases

A lease may be oral or written if it is for less than one year. If the lease is for one year or longer, according to WV law, the lease must be in writing. An oral lease can be a problem for both landlords and tenants if a disagreement arises.

The lease should list the responsibilities of both the landlord and the tenant. A lease for a mobile home rental lot must be in writing.

Inspection by Tenant

Tenants should write down any problems or take photos of the whole rental property before signing a lease. If the rental is furnished be sure to check behind and under furniture. You do not want to pay for problems created by previous tenants. When you move out, write down or take photos again so both you and the landlord know the exact condition of the rental as you leave it.

Fit and Habitable

Under West Virginia law, the landlord is responsible for renting a property that is fit and habitable, which is called the Warrant of Habitability. A tenant may not waive this landlord responsibility.

Landlords

- **Do** have responsibility for responding promptly to a tenant's written complaint about problems in the rental that might make it unfit and uninhabitable
- **Do** have responsibility for general maintenance and compliance with all relevant health, safety, fire, and building codes.
- **Do** have responsibility for installing and replacing smoke and carbon monoxide detectors.
- **Do** have responsibility for whatever else the lease requires, such as snow removal and grass mowing.
- **Do** have responsibility for a tenant's personal property if it is damaged by landlord negligence, such as damage caused by an electrical wiring fire.
- **Do not** have responsibility for making repairs caused by tenants or others in the rental with the tenant's permission.



Rental Payment

A landlord is entitled to collect rent as specified in the lease. The tenant is responsible for paying the rent as specified in the lease.

Tenants

- **Do** have responsibility for paying the rent as specified in the lease.
- **Do** have responsibility to carry out the other terms of the lease, such as payment for utilities.
- **Do** have responsibility for reporting and paying for all damage caused by the tenant or visitors in the rental with the tenant's permission.
- **Do** have responsibility for behaving in a way that does not disturb other tenants' peaceful enjoyment of their rentals.
- **Do** have responsibility for maintaining smoke and carbon monoxide detectors by replacing batteries when needed.
- **Do** have responsibility for their personal property and should have insurance to cover damage to it.

Entering an Apartment

Except in an emergency, a landlord cannot enter an apartment without the consent of the tenant or a reasonable notice in advance. Tenants have the right to the quiet and peaceful enjoyment of their rental property.

Funding for this Fact Sheet provided by the
WV Developmental Disabilities Council
WV Olmstead Office
WV Advocates
WV Senior Legal Aid, Inc.

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

Northern West Virginia Center for Independent Living

601-3 East Brockway

Morgantown, WV 26505

304-296-6091

info@wvfairhousing.org

www.wvfairhousing.org

