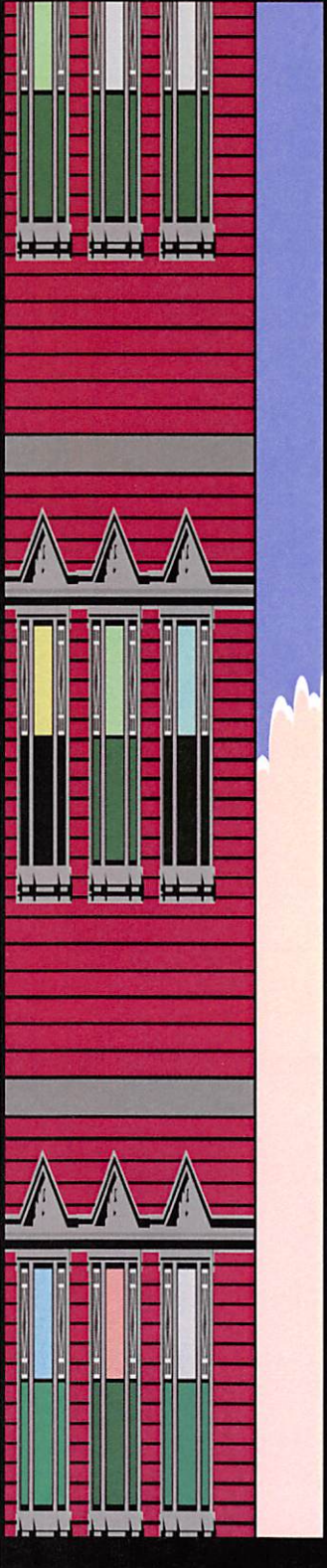


# Landlord and Tenants: Rights and Responsibilities

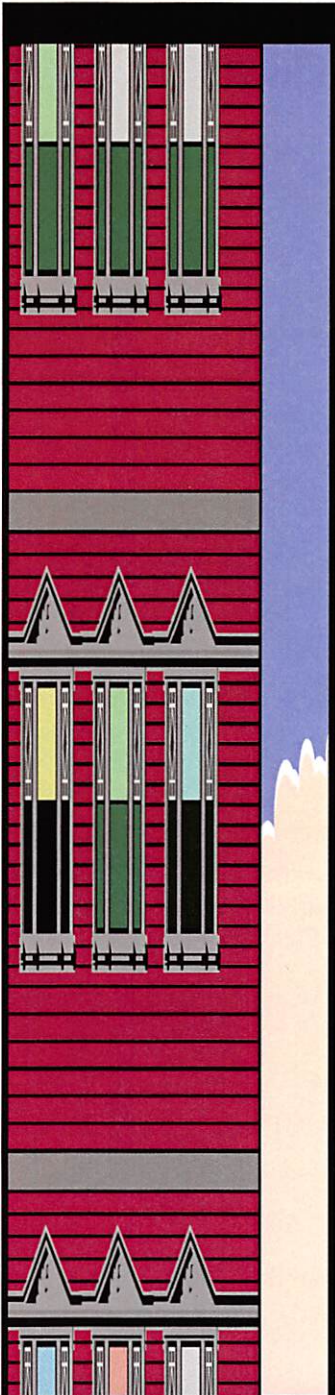
## FACT SHEET: The Lease



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. A lease for a mobile home rental lot must always be in writing. An oral lease can be a problem for both landlords and tenants if disagreements or misunderstandings arise.

A lease should list the responsibilities of both the landlord and the tenant. It is important that tenants:

- **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 misunderstanding and disagreements between landlords and tenants.
- **Do** keep a copy of your lease along with the name and phone number of the landlord or property manager.
- **Do** have a lawyer, family member or friend who understands leases look over the lease before you sign it. Another pair of eyes may catch items you miss.
- **Do not** sign a lease that gives the landlord an automatic extension of the lease.
- **Do** make sure the lease itemizes the landlord responsibilities including plumbing and electrical problems, snow removal and yard work.
- **Do** make sure the lease is clear about your responsibilities including when the rent is due and if there is a grace period for payment
- **Do** make sure the lease lists restrictions for pets
- **Do** make sure you understand 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 including electric, gas, cable, water, sewage and trash collection.



## Terminating a lease

Most leases state the length of the lease and when the lease ends. At the end of a lease, the landlord and tenant must either agree to negotiate a new lease or decide not to.

If you have a month-to-month lease, either the landlord or the tenant can legally terminate the lease by giving notice one full month after the month when notice is given.

If you have a year-to-year lease, either the tenant or the landlord can legally terminate the lease by giving written notice at least three months before the end of the current lease year.

## 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.seniorlegalaids.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* manual.

**Alternate formats are available upon request.**

### Acknowledgement and Disclaimer Statement

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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 (WV FHAN)

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