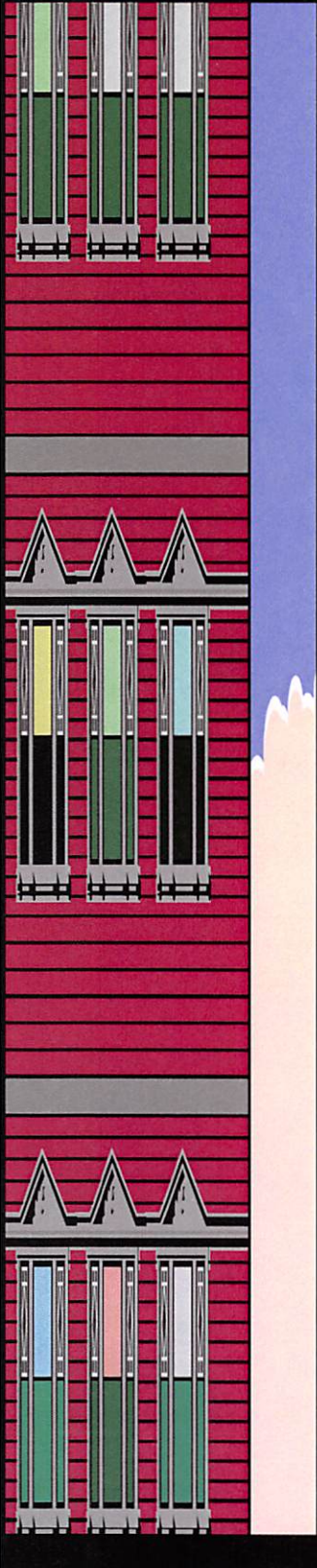


# Landlord and Tenants: Rights and Responsibilities

## FACT SHEET: Landlord/Tenant Responsibilities



Under West Virginia law there are rights and responsibilities for both tenants and landlords.

### **Fit and Habitable**

If the tenant has a problem such as no heat, water or electricity, the tenant must make a complaint to the landlord, who is required to correct the problem promptly. The tenant should put the complaint in writing and date it.

If the landlord does not take action in a reasonable amount of time, the tenant has the right to file a civil suit in the county where the rental is located.

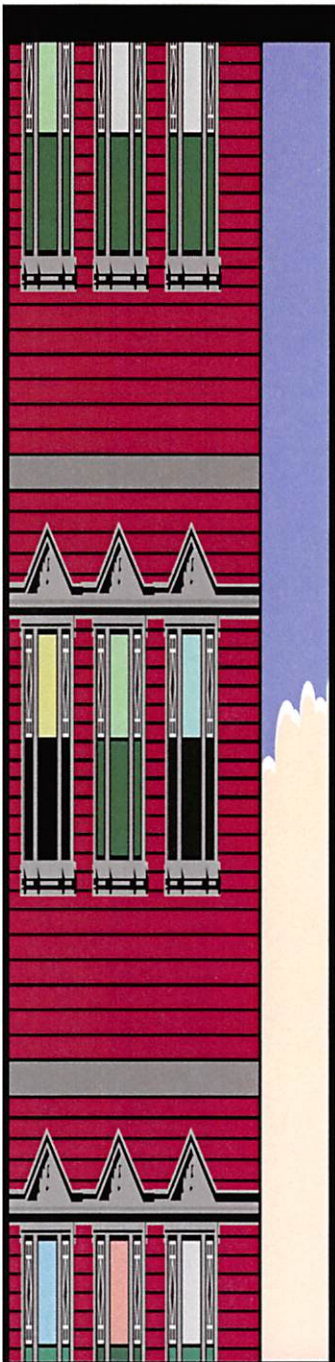
### **Rental Payments**

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.

### **Landlord Responsibilities**

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 damage done by tenants or others in the rental with the tenant's permission



## Tenant Responsibilities

### 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 who are 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 rental insurance to cover damage to it

### 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.**

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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)

Northern West Virginia Center for Independent Living

601-3 East Brockway

Morgantown, WV 26505

**304-296-6091**

**info@wvfairhousing.org**

**www.wvfairhousing.org**



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