

HOUSING DISCRIMINATION IS ILLEGAL

Under Federal law it is illegal to discriminate against any person because of Race, Color, Religion, Sex, Disability, Familial Status (presence of children), or National Origin. West Virginia's Fair Housing law also includes Ancestry or Blindness –

- In the rental or sale of housing or residential lots
- In advertising the sale or rental of housing
- In the financing of housing
- In the provision of real estate brokerage services
- In the appraisal of housing
- Blockbusting is also illegal; also
- Landlords must make reasonable accommodations for persons with disabilities to make the housing useable and accessible.

WHERE TO FIND HELP Code Enforcement

City Code Enforcement
232 N. Queen Street
Martinsburg, WV 25401
(304) 264-2131

Berkeley County Health Dept.
800 Emmett Rousch Drive
Martinsburg, WV 25401
(304) 263-5131

City of Martinsburg
Fire Department
200 N. Raleigh Street
Martinsburg, WV 25401
(304) 264-2111

Legal Advice

Legal Aid of West Virginia
(a non-profit organization)
529 Winchester Avenue
PO Box 6040
Martinsburg, WV 25402
Voice/TDD: (304) 263-8871
Fax (304) 264-8945

WVU College of Law
(304) 293-5301

Fair Housing

WV Human Rights Commission
1321 Plaza East, Rm.108A
Charleston, WV 25301
(304) 558-2616 Fax (304) 558-0085
TDD (304) 558-2976

US Department of
Housing and Urban Development
1-800-669-9777

DECENT HOUSING IS A RIGHT Guide to Tenants' Rights and Fair Housing



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232 North Queen Street
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TENANTS IN RENTAL HOUSING IN WEST VIRGINIA HAVE IMPORTANT LEGAL RIGHTS UNDER THE LAW!

- You have the **right to live in decent housing** at all times.
- Your landlord is required to maintain your housing in fit condition from the time you move in until the time you move out.
- You have **the right to complain** about unfit housing conditions to your landlord or to the local government agencies such as the building code inspector, fire marshal or health department.
- Your landlord **cannot evict you in retaliation for complaining** about unfit housing conditions.
- You **do not** have a right to **withhold your rent** to force the landlord to obey the law.
- You have the **right to privacy** and to the peaceful and quiet enjoyment of your rental housing.
- It is unlawful for landlords to refuse to return your damage or security deposit without just cause.
- Your landlord must provide you with **proper notice** when attempting to evict you.
- Although it may be best to be represented by a lawyer, you have the right to file a suit on your own without a lawyer.
- You have the right to file a civil suit against your landlord to enforce your right to decent housing and to ask for money damages if your rights have been violated.
- If you are a low-income person, you have the right to file a suit and to use all of the services of the court, even if you cannot afford to pay.
- It is **unlawful** for your landlord **to enter your rental housing at any time whatsoever without your consent, or reasonable notice in advance**, except for the purpose of making emergency repairs.
- It is **unlawful** for your landlord **to seize and impound your personal property** as a way of collecting back rent.
- It is **unlawful** for your landlord **to lock you out, shut off your utilities, refuse to make repairs**, or do other things to evict you without going through the court.
- **Your landlord must always go through the court to evict you, even if you are behind on your rent.**
- If your landlord files in magistrate court, you have the right to remove your case from magistrate court to circuit court.
- You have the right to have your case decided by a jury either in magistrate court or in circuit court, but not both.
- If your case is decided in magistrate court and you disagree with the decision, **you have the right to appeal to circuit court** within 20 days from the date the decision is made.
- If your landlord is trying to evict you for **nonpayment of rent only**, an eviction petition in magistrate court must be dismissed if you offer to pay the back rent and all court costs before the hearing.
- You have **the right to file a counterclaim** against your landlord, if your rights have been violated.
- If you have a written lease or rental agreement, or if you live in subsidized housing, you may have many other rights and protections.

Legal Aid has more detailed information about your rights as a tenant.