



## MOUNTAIN STATE JUSTICE

Mountain State Justice is informed that most residents received new leases and a release of legal claims with the requirement that they be reviewed, signed, and returned to property management by Wednesday, April 24, 2024. While that is happening, the lawyers at MSJ are appealing a recent order in favor of the owners of your property, but any decision by the court that may change what is happening now will not take place until months from now. Many residents now wonder how to handle these requests and what their best options are.

It's complicated. Here are some options:

- 1 Sign the new lease:** Sign the lease provided and return it to the owners. **You are not required to sign the release at the same time you sign the new lease.** We understand people are being told they must sign the release, but that is not true. If you want to continue living in any of the communities, you may sign the new lease, even if you feel the terms are unfair. Again, if you want to sign the release, that is your choice, but you will no longer be a part of the lawsuit and are giving up all your legal claims.
- 2 Don't sign the new lease:** If you decide not to sign one or both documents, it is possible the owner will pursue an eviction—even if you have a valid, existing lease that has not expired. If an eviction is filed against you, you may argue as a defense to eviction that you already have a lease and are not violating your existing lease. If you have an expired lease, and you refuse to sign the new lease, there may be a few defenses you could raise. The eviction process to move out can take anywhere from 30 to 90 days.

- 3 **Attempt to negotiate the new lease:** You may dispute the terms of the new lease; however, at this time, the owners are not under any court order that requires them to change any lease term they offer.
- 4 For those who have an agreement with the owners to eventually purchase their home, the owners **do not have the right to change your agreement to purchase your home.** The owners may be able to raise the lot rent but should not be able to change your agreement to purchase your home. You should contact MSJ if you are being asked to sign a new installment purchase contract.

At this time, MSJ only represents the five named Plaintiffs because the court has not made the lawsuit a certified class action. MSJ does not provide eviction defense. If you are faced with eviction, you can either represent yourself, visit the WV State Bar Online Lawyer Referral (<https://wvbar.org/online-lawyer-referral-service/>) for a lawyer to represent you for a fee, or contact Legal Aid of West Virginia (866-989-8227) to see if you qualify for its services.