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## Judiciary Committee

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### SSB 5221

**Title:** An act relating to the disposition of tenant property placed upon the nearest public property.

**Brief Description:** Concerning the disposition of tenant property placed upon the nearest public property.

**Sponsors:** Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Benton and Roach).

<p style="text-align: center;"><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Allows a landlord to dispose of an evicted tenant's property no earlier than five days after it has been placed on the nearest public property in cases where a tenant has either objected to storage or made no request for storage of the property.</li></ul>
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**Hearing Date:** 2/18/16

**Staff:** Edie Adams (786-7180).

**Background:**

The Residential Landlord-Tenant Act (RLTA) regulates the creation of residential tenancies and the relationship between landlords and tenants of residential dwelling units. The RLTA establishes rights and duties of both tenants and landlords, procedures for the parties to enforce their rights, and remedies for violations of the act.

Under the RLTA, a landlord may evict a tenant only through a court proceeding called an unlawful detainer action. A landlord generally must provide a tenant with an eviction notice and after a specified period of time may commence the unlawful detainer action by filing a summons and complaint. If the court determines that the landlord should be restored to possession of the premises, the court issues a writ of restitution directing the sheriff to deliver possession of the premises to the landlord. The sheriff must serve a copy of the writ on the tenant and may not

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execute on the writ until after three days have passed since service of the writ. The sheriff also must give the tenant a written notice informing the tenant what can happen to the tenant's personal property if it is not removed by the date of the eviction.

Once a writ of restitution is issued, the landlord may take possession of any of the tenant's property that is left at the premises. The landlord must store the property if the tenant serves a written request for storage within three days of service of the writ of restitution. The landlord may elect to store the property without a request unless the tenant objects. If a tenant objects to storage, or the landlord elects not to store the property when the tenant makes request for storage, the landlord must deposit the property on the nearest public property.

**Summary of Bill:**

When a tenant is evicted and the landlord deposits the tenant's property on the nearest public property, either because the tenant objected to storage or made no request for storage, the landlord may dispose of the property after it has remained on the public property for a period of at least five days.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.