

SENATE BILL REPORT

SHB 1326

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, APRIL 4, 1991

**Brief Description:** Regulating drayage and storage of tenants' property by landlords.

**SPONSORS:** House Committee on Housing (originally sponsored by Representatives Franklin, Mitchell, Day, Prentice, Paris, Moyer, Winsley, Cole, Zellinsky, Bray, Ferguson, Edmondson, Wood, Wynne, Lisk, Wineberry, Heavey, Jones, Vance, Tate and Nelson).

**HOUSE COMMITTEE ON HOUSING**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

**Staff:** Ben Barnes (786-7465)

**Hearing Dates:** March 28, 1991; April 4, 1991

**BACKGROUND:**

Under current law, when a tenant abandons a tenancy and is also in default of rent, the landlord may enter and take possession of the premises. The landlord is authorized under these circumstances to take possession of any of the tenant's property found on the premises and to store the property in a secure place.

Before disposing or selling any of the property left by the tenant, however, the landlord must make reasonable attempts at notifying the tenant where the property is being stored, that a sale or disposal of the property will take place, the date of the sale or disposal, and that the tenant has the right to have the property returned before it is sold or otherwise disposed of.

The landlord may sell property with a cumulative value over \$50 45 days after the date the notice of the sale or disposal is sent to the tenant. The landlord may apply any of the proceeds from the sale of the property against any actual reasonable costs of drayage (transporting) and storage of the property. The landlord must hold any excess income from the sale of the property for the benefit of the tenant for a period of one year after the sale. The landlord may keep the income from the sale if no claim is made or action commenced by the tenant during this one-year period.

Current law does not allow the landlord to recover the costs of transporting and storing the tenant's property from the tenant if the tenant requests the return of the property before it is sold or disposed.

**SUMMARY:**

A landlord may recover the costs of drayage (transporting) and storage of property left by a tenant after a tenant has abandoned the tenancy, if the tenant requests the return of the property before it is sold or disposed. The tenant's request for the return of the property must be in writing.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

This is a cleanup bill to put language into the law that was inadvertently omitted when the residential landlord-tenant law was revised two sessions ago.

**TESTIMONY AGAINST:**

Other issues such as abandonment, the notice period required, and what constitutes "reasonable costs" should also be examined.

**TESTIFIED:** Representative Rosa Franklin, original sponsor; Rick Slunaker, Yakima Valley Rental Association; Bruce Neas, Legal Services