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**SUBSTITUTE HOUSE BILL 2815**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Housing (originally sponsored by Representatives Franklin, Edmondson, Inslee, Lisk, Rayburn, Winsley, Nelson, Ogden, Leonard, Mitchell, Brough and Rasmussen)

Read first time 02/05/92.

1 AN ACT Relating to drayage and storage costs; adding a new section  
2 to chapter 59.18 RCW; and adding a new section to chapter 63.29 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW  
5 to read as follows:

6 (1) A landlord may, upon the execution of a writ of restitution by  
7 the sheriff, enter and take possession of any property of the tenant  
8 found on the premises and store the property in any reasonably secure  
9 place. If, however, the tenant or the tenant's representative objects  
10 to the storage of the property, the property shall be deposited upon  
11 the nearest public property and may not be moved and stored by the  
12 landlord. If the tenant is not present at the time the writ of  
13 restitution is executed, it shall be presumed that the tenant does not  
14 object to the storage of the property as provided in this section.

1 This section does not apply to any premises that are abandoned by a  
2 tenant.

3 (2) Property moved and stored under this section shall be returned  
4 to the tenant after the tenant has paid the actual or reasonable  
5 drayage and storage costs, whichever is less, or until it is sold or  
6 disposed of by the landlord in accordance with subsection (3) of this  
7 section.

8 (3) Prior to the sale or disposal of property stored pursuant to  
9 this section with a cumulative value of over fifty dollars, the  
10 landlord shall notify the tenant of the pending sale or disposal.  
11 After forty-five days from the date the notice of the sale or disposal  
12 is mailed or personally delivered to the tenant, the landlord may sell  
13 or dispose of the property, including personal papers, family pictures,  
14 and keepsakes.

15 If the property that is being stored has a cumulative value of  
16 fifty dollars or less, then the landlord may sell or dispose of the  
17 property in the manner provided in this section, except for personal  
18 papers, family pictures, and keepsakes. Prior to the sale or disposal  
19 of property stored pursuant to this section with a cumulative value of  
20 fifty dollars or less, the landlord shall notify the tenant of the  
21 pending sale or disposal. The notice shall either be mailed or  
22 personally delivered to the tenant. After seven days from the date the  
23 notice is mailed or delivered to the tenant, the landlord may sell or  
24 dispose of the property.

25 The landlord may apply any income derived from the sale of the  
26 tenant's property against moneys due the landlord for drayage and  
27 storage of the property. The amount of sale proceeds that the landlord  
28 may apply towards such costs may not exceed the actual or reasonable  
29 costs for drayage and storage of the property, whichever is less. Any  
30 excess income derived from the sale of such property shall be held by

1 the landlord for the benefit of the tenant for a period of one year  
2 from the date of the sale. If no claim is made or action commenced by  
3 the tenant for the recovery of the excess income prior to the  
4 expiration of that period of time, then the balance shall be treated as  
5 abandoned property and deposited by the landlord with the department of  
6 revenue pursuant to chapter 63.29 RCW.

7 (4) Nothing in this section shall be construed as creating a right  
8 of distress for rent.

9 (5) When serving a tenant with a writ of restitution pursuant to  
10 RCW 59.12.100 and 59.18.410, the sheriff shall provide written notice  
11 to the tenant that: (a) Upon execution of the writ, the landlord may  
12 store the tenant's property; (b) if the property is stored, it may not  
13 be returned to the tenant unless the tenant pays the actual or  
14 reasonable costs of drayage and storage, whichever is less; (c) if the  
15 tenant objects to storage of the property, it will not be stored but  
16 will be placed on the nearest public property; and (d) if the tenant is  
17 not present at the time of the execution of the writ, it shall be  
18 presumed the tenant does not object to storage of the property.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 63.29 RCW  
20 to read as follows:

21 Intangible property held by a landlord as a result of a sheriff's  
22 sale pursuant to section 1 of this act that remains unclaimed for a  
23 period of one year from the date of the sale is presumed abandoned.