

SENATE BILL REPORT

SB 5032

As of February 3, 1998

Title: An act relating to writs of restitution.

Brief Description: Specifying sheriff's duties with regard to writs of restitution.

Sponsors: Senators Swecker, Bauer and Benton.

Brief History:

Committee Activity: Law & Justice: 3/3/97; 2/6/98.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Harry S. Steinmetz (786-7421)

Background: When evicting a tenant from a mobile home park pursuant to a writ of restitution, the sheriff removes the mobile home. There is a significant cost, usually into the thousands of dollars, associated with the removal and safe storage of a mobile home. This cost is paid by the mobile home park owner.

It is felt that providing flexibility in the eviction process so that the sheriff would remove the tenant, the mobile home, or the tenant's personal property, or any combination thereof pursuant to the writ of restitution would be more efficient and cost-effective.

Under current landlord-tenant law, the sheriff is not allowed to require a bond in order to indemnify the sheriff's office against liability for serving and enforcing a writ of restitution. This provision also applies to evictions in mobile home parks, but it does not specify mobile home removal.

Summary of Bill: It is specified that a sheriff may not require a bond for service and execution of a writ of restitution to remove a mobile home, a mobile home tenant, or the personal property of the mobile home tenant.

The sheriff may enforce a writ of restitution against a mobile home tenant without removing the mobile home, if so provided in the writ of restitution.

The sheriff is not responsible for any costs for removing the mobile home, tenant, or personal property under a writ of restitution.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.