
HOUSE BILL 2112

State of Washington

56th Legislature

1999 Regular Session

By Representatives Gombosky, Benson and Wood

Read first time 02/16/1999. Referred to Committee on Economic Development, Housing & Trade.

1 AN ACT Relating to the storage of a tenant's property upon a writ
2 of execution; and amending RCW 59.18.312.

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

4 **Sec. 1.** RCW 59.18.312 and 1992 c 38 s 8 are each amended to read
5 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
10 objects to the storage of the property, the property shall be deposited
11 upon the nearest public property and may not be moved and stored by the
12 landlord.))~~ The tenant or tenant's representative may object to the
13 storage of the property, but as a condition of objection, must also
14 provide some reasonable means for removal and storage of the property
15 prior to the execution of the writ. If the tenant is not present at
16 the time the writ of restitution is executed, it shall be presumed that
17 the tenant does not object to the storage of the property as provided
18 in this section. This provision likewise applies if, although
19 objecting, the tenant does not provide some reasonable means for

1 removal and storage of the property prior to the execution of the writ.
2 RCW 59.18.310 shall apply to the moving and storage of a tenant's
3 property when the premises are abandoned by the tenant.

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

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

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

26 The landlord may apply any income derived from the sale of the
27 tenant's property against moneys due the landlord for drayage and
28 storage of the property. The amount of sale proceeds that the landlord
29 may apply towards such costs may not exceed the actual or reasonable
30 costs for drayage and storage of the property, whichever is less. Any
31 excess income derived from the sale of such property shall be held by
32 the landlord for the benefit of the tenant for a period of one year
33 from the date of the sale. If no claim is made or action commenced by
34 the tenant for the recovery of the excess income prior to the
35 expiration of that period of time, then the balance shall be treated as
36 abandoned property and deposited by the landlord with the department of
37 revenue pursuant to chapter 63.29 RCW.

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

1 (5) When serving a tenant with a writ of restitution pursuant to
2 RCW 59.12.100 and 59.18.410, the sheriff shall provide written notice
3 to the tenant that: (a) Upon execution of the writ, the landlord may
4 store the tenant's property; (b) if the property is stored, it may not
5 be returned to the tenant unless the tenant pays the actual or
6 reasonable costs of drayage and storage, whichever is less; (c) if the
7 tenant objects to storage of the property, it will not be stored (~~but~~
8 ~~will be placed on the nearest public property~~) unless the tenant
9 provides some reasonable alternative means of removal and storage prior
10 to the execution of the writ; and (d) if the tenant is not present at
11 the time of the execution of the writ, it shall be presumed the tenant
12 does not object to storage of the property.

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