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HOUSE BILL 1783

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives McCoy, Warnick, Buri, Wood, Crouse, Kenney, Rolfes  
and Moeller

Read first time 01/29/2007. Referred to Committee on Judiciary.

1            AN ACT Relating to the value of a tenant's abandoned property; and  
2 amending RCW 59.18.310.

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

4            **Sec. 1.** RCW 59.18.310 and 1991 c 220 s 1 are each amended to read  
5 as follows:

6            If the tenant defaults in the payment of rent and reasonably  
7 indicates by words or actions the intention not to resume tenancy, the  
8 tenant shall be liable for the following for such abandonment:  
9 PROVIDED, That upon learning of such abandonment of the premises the  
10 landlord shall make a reasonable effort to mitigate the damages  
11 resulting from such abandonment:

12            (1) When the tenancy is month-to-month, the tenant shall be liable  
13 for the rent for the thirty days following either the date the landlord  
14 learns of the abandonment, or the date the next regular rental payment  
15 would have become due, whichever first occurs.

16            (2) When the tenancy is for a term greater than month-to-month, the  
17 tenant shall be liable for the lesser of the following:

18            (a) The entire rent due for the remainder of the term; or

1 (b) All rent accrued during the period reasonably necessary to  
2 rerent the premises at a fair rental, plus the difference between such  
3 fair rental and the rent agreed to in the prior agreement, plus actual  
4 costs incurred by the landlord in rerenting the premises together with  
5 statutory court costs and reasonable attorney's fees.

6 In the event of such abandonment of tenancy and an accompanying  
7 default in the payment of rent by the tenant, the landlord may  
8 immediately enter and take possession of any property of the tenant  
9 found on the premises and may store the same in any reasonably secure  
10 place. A landlord shall make reasonable efforts to provide the tenant  
11 with a notice containing the name and address of the landlord and the  
12 place where the property is stored and informing the tenant that a sale  
13 or disposition of the property shall take place pursuant to this  
14 section, and the date of the sale or disposal, and further informing  
15 the tenant of the right under RCW 59.18.230 to have the property  
16 returned prior to its sale or disposal. The landlord's efforts at  
17 notice under this subsection shall be satisfied by the mailing by first  
18 class mail, postage prepaid, of such notice to the tenant's last known  
19 address and to any other address provided in writing by the tenant or  
20 actually known to the landlord where the tenant might receive the  
21 notice. The landlord shall return the property to the tenant after the  
22 tenant has paid the actual or reasonable drayage and storage costs  
23 whichever is less if the tenant makes a written request for the return  
24 of the property before the landlord has sold or disposed of the  
25 property. After forty-five days from the date the notice of such sale  
26 or disposal is mailed or personally delivered to the tenant, the  
27 landlord may sell or dispose of such property, including personal  
28 papers, family pictures, and keepsakes. The landlord may apply any  
29 income derived therefrom against moneys due the landlord, including  
30 actual or reasonable costs whichever is less of drayage and storage of  
31 the property. If the property has a cumulative value of one hundred  
32 fifty dollars or less, the landlord may sell or dispose of the property  
33 in the manner provided in this section, except for personal papers,  
34 family pictures, and keepsakes, after seven days from the date the  
35 notice of sale or disposal is mailed or personally delivered to the  
36 tenant: PROVIDED, That the landlord shall make reasonable efforts, as  
37 defined in this section, to notify the tenant. Any excess income  
38 derived from the sale of such property under this section shall be held

1 by the landlord for the benefit of the tenant for a period of one year  
2 from the date of sale, and if no claim is made or action commenced by  
3 the tenant for the recovery thereof prior to the expiration of that  
4 period of time, the balance shall be the property of the landlord,  
5 including any interest paid on the income.

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