
HOUSE BILL 3106

State of Washington 61st Legislature 2010 Regular Session

By Representatives O'Brien, Warnick, McCune, and Wallace

Read first time 01/25/10. Referred to Committee on Judiciary.

1 AN ACT Relating to the disposition of a deceased tenant's personal
2 property; and adding a new section to chapter 59.18 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) If at the time of a tenant's death there is no other person
7 listed on the lease, the landlord, after waiting at least seven days
8 and making reasonable efforts to contact a family member of the
9 deceased tenant, may enter and take possession of any personal property
10 of the tenant found on the leasehold premises and may store the
11 property in a reasonably secure place.

12 (b) If a tenant dies on the leasehold premises, the landlord, after
13 the leasehold premises has been released by the coroner's office, may
14 immediately enter the leasehold premises to clean up any biohazardous
15 material from the death. The landlord may remove and dispose of
16 perishable goods, garbage, and debris.

17 (2) A landlord shall make reasonable efforts to provide a known
18 family member of the deceased tenant with a notice containing the name
19 and address of the landlord and informing the family member that a sale

1 or disposition of the deceased tenant's property shall take place on or
2 after a date that is not less than forty-five days after the notice is
3 sent by first-class mail to the tenant's last known address and to any
4 other address known to the landlord for the tenant and the family
5 member.

6 (3) If the landlord chooses to take possession of the unit before
7 the end of the month, the landlord shall deposit the prorated rent in
8 a trust account. This amount may be applied against the drayage and
9 storage charges and any other charges due to the landlord by the
10 deceased tenant.

11 (4) If at the time of a tenant's death there is no other person
12 listed on the lease, a person, other than the landlord or government
13 official, may not enter the deceased tenant's unit and remove the
14 tenant's personal property and household goods, other than burial
15 clothes, any pet or animal, the deceased tenant's will, or any
16 perishable items, without a certified copy of any testamentary letters
17 or affidavit of successor as described in RCW 11.62.010 or otherwise
18 meeting the requirements of RCW 11.62.010.

19 (5) If at the time of a tenant's death there is no other person
20 listed on the lease and at any time after forty days from the date of
21 the tenant's death, the landlord shall, upon payment of all reasonable
22 costs for drayage and storage, deliver the deceased tenant's personal
23 property to a person claiming to be a successor of the decedent upon
24 the receipt of proof of death and an affidavit made by the person
25 claiming to be the successor of the decedent that meets the
26 requirements of RCW 11.62.010.

27 (6) If after forty days, but before the date set for sale or
28 disposition set forth in the notice described in subsection (2) of this
29 section, a successor does not claim the deceased tenant's personal
30 property pursuant to chapter 11.62 RCW but a surviving relation of the
31 deceased tenant exists and claims possession of the tenant's personal
32 property, the surviving relation has a right to receive possession of
33 the deceased tenant's personal property upon providing to the landlord
34 a dated, signed, and notarized affidavit of next of kin that includes:
35 The date that the decedent passed away; the nature of the surviving
36 relation's relationship to the decedent; a statement that he or she is
37 the closest surviving relative; a request for the possession and
38 location of the decedent's personal property; and a statement agreeing

1 to indemnify and hold harmless the rental unit's owner, its agents,
2 employees, or principal from any third party who claims the right to
3 the decedent's personal property. The surviving relation must also
4 reimburse the landlord for the reasonable costs of drayage and storage
5 and for all other outstanding tenant financial obligations prior to
6 receiving the deceased tenant's personal property.

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