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SENATE BILL 5306

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Benton, Carrell, and Hobbs

Read first time 01/25/13. Referred to Committee on Financial Institutions, Housing & Insurance.

1 AN ACT Relating to disposing property in the leased premises of a  
2 deceased tenant; 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) Upon written request of a landlord, a tenant must:

7 (a) Provide the landlord with the name, address, and telephone  
8 number of a designated person to contact in the event of the tenant's  
9 death; and

10 (b) Sign a statement authorizing the landlord in the event of the  
11 tenant's death to: (i) Grant the designated person access to the  
12 tenant's leased premises at a reasonable time and in the presence of  
13 the landlord or the landlord's agent; (ii) allow the designated person  
14 to remove any of the tenant's property found at the leased premises;  
15 (iii) refund the tenant's security deposit, less lawful deductions, to  
16 the designated person for the benefit of the tenant's estate; and (iv)  
17 dispose of the tenant's property consistent with the tenant's intent  
18 and any applicable law or will. The designated person is liable to the

1 tenant's estate for the property received. The designated person is  
2 appointed for a period of two years, subject to reappointment.

3 (2) A tenant may, without request from the landlord, provide the  
4 landlord with the information specified in subsection (1) of this  
5 section.

6 (3) Except as provided in subsection (4) of this section, in the  
7 event of the death of a tenant who is the sole occupant of a leased  
8 premises:

9 (a) The landlord may remove and store all property found in the  
10 tenant's leased premises;

11 (b) The landlord must turn over possession of the property to the  
12 designated person or to any other person lawfully entitled to the  
13 property if the request is made before the property is discarded  
14 pursuant to (e) of this subsection;

15 (c) The landlord shall refund the tenant's security deposit, less  
16 lawful deductions, including the cost of removing and storing the  
17 property, to the designated person or to any other person lawfully  
18 entitled to the refund;

19 (d) Any person who removes property from the tenant's leasehold  
20 premises shall, at the time of removal, create and sign an inventory of  
21 the removed property and submit the signed inventory to the landlord;  
22 and

23 (e) The landlord may discard the property he or she removes from  
24 the tenant's leased premises if: (i) The landlord clearly informed the  
25 tenant and designated person in writing of the consequences of failing  
26 to take action after notice; (ii) the landlord mailed a written request  
27 by certified mail, return receipt requested, to the designated person  
28 that the property be removed; (iii) the designated person failed to  
29 remove the property by the thirtieth day after the postmark date of the  
30 notice; and (iv) the landlord, prior to the date of discarding the  
31 property, was not contacted by anyone claiming the property.

32 (4) In a written lease or other agreement, a landlord and tenant  
33 may agree to a procedure different than the procedure in subsections  
34 (1) and (3) of this section for removing, storing, or disposing of  
35 property in the leased premises of a deceased tenant.

36 (5) If a tenant, after being furnished with a notice of request,  
37 knowingly violates subsection (1) of this section by failing to provide  
38 the required information and statement, or no representative of the

1 deceased tenant's estate provides notice to the landlord of intent to  
2 administer the deceased tenant's estate within sixty days of the  
3 tenant's death, the landlord is not responsible for removal, storage,  
4 disappearance, damage, or disposition of property in the deceased  
5 tenant's leased premises.

6 (6) If a landlord, after being furnished with a copy of this  
7 section, knowingly violates subsection (3) of this section or fails to  
8 facilitate proper administration of the deceased tenant's estate after  
9 proper notice under Title 11 RCW, the landlord is liable to the  
10 deceased tenant's estate for actual damages.

11 (7) A landlord who complies with this section is relieved from any  
12 liability relating to the deceased tenant's property.

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