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## Judiciary Committee

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### HB 1573

**Title:** An act relating to the disposition of tenant property placed upon the nearest public property.

**Brief Description:** Concerning the disposition of tenant property placed upon the nearest public property.

**Sponsors:** Representatives Johnson, Muri and Stanford.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Establishes a five day timeframe after which a landlord may dispose of an evicted tenant's property that was placed on public property.</li></ul>
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**Hearing Date:** 2/4/15

**Staff:** Daniel Rusk (786-7290) and Edie Adams (786-7180).

**Background:**

Washington's Residential Landlord-Tenant Act (RLTA) governs the relationship between landlords and tenants of residential dwelling units, establishes each parties' duties, and establishes procedures for each side to enforce their rights.

The RLTA provides a court process, called an unlawful detainer action, by which a landlord may evict a tenant. A tenant may be guilty of unlawful detainer if he or she fails to pay rent and has not vacated the premises after a request to do so, or if the tenant continues to occupy the property after the expiration of the lease term. The landlord must serve the tenant with a summons and complaint of the unlawful detainer action and the tenant must respond by a certain date.

If the court issues a writ of restitution (order directing the sheriff to physically evict the tenant), the sheriff must deliver a copy of the writ to the tenant, informing the tenant that he or she can be physically removed from the premises after a certain date. The sheriff must also give the tenant

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a written notice informing the tenant what can happen to the tenant's personal property if it is not removed by the date of the eviction.

Once a writ of restitution is issued, the landlord may take possession of any of the tenant's property that is left at the premises. The landlord may either store the tenant's property, unless the tenant objects, or deposit it on the nearest public property. The landlord must store the property if the landlord receives written notice to do so.

The tenant is responsible for all the costs incurred by the landlord in moving and storing the property. If the tenant does not pay the landlord what is owed for storage, the landlord may sell the tenant's property and apply the proceeds of the sale to the money owed for moving and storing of the property. Any excess income derived from the sale must be held by the landlord for one year. If the tenant does not recover the money within a year, the landlord must deposit the money with the department of revenue.

**Summary of Bill:**

If a landlord places an evicted tenant's property on the nearest public property because the tenant has objected to the landlord storing his or her property, or the landlord elects to place the tenant's property on the public property, the landlord may dispose of the tenants property, at the expense of the tenant, if the tenant's property has remained on the public property for a period of not less than five days.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.