
SENATE BILL 5538

State of Washington

64th Legislature

2015 Regular Session

By Senators Angel and Sheldon

Read first time 01/23/15. Referred to Committee on Financial Institutions & 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
5 RCW to read as follows:

6 (1) Upon written request of a landlord, a tenant may:

7 (a) Provide the landlord with the name, mailing address, any
8 address used for the receipt of electronic communications, and
9 telephone number of a designated person to contact in the event of
10 the tenant's death; and

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

1 period of two years, subject to reappointment. The tenant may change
2 the designated person or revoke any previous designation at any time
3 prior to his or her death.

4 (2) A tenant may, without request from the landlord, designate a
5 person to contact in the event of the tenant's death by providing the
6 landlord with the information specified in subsection (1)(a) of this
7 section and sign the statement required under subsection (1)(b) of
8 this section.

9 (3) In the event of the death of a tenant who is the sole
10 occupant of the leased premises:

11 (a) The landlord must personally deliver or send written notice
12 to any designated representative, to any person identified as an
13 emergency contact by the tenant on the rental application, and to the
14 deceased tenant at the address of the leased premises. The notice
15 must state the approximate date of the tenant's death, provide a copy
16 of any designation and statement executed by the tenant, and advise
17 the recipients that the designated representative has fourteen days
18 from the date the notices are mailed to remove the tenant's property
19 from the leased premises or to make written arrangements acceptable
20 to the landlord for removal of the tenant's property at a later date.
21 The notice must also state that failure to remove the tenant's
22 property or to make acceptable arrangements within the fourteen-day
23 period terminates the tenancy and allows the landlord to remove the
24 tenant's property from the leased premises and store it in a
25 reasonably secure place;

26 (b) The landlord must turn over possession of the tenant's
27 property to the designated representative or to any other person
28 lawfully entitled to the property if a request is made within the
29 fourteen-day period or any subsequent date agreed to by the parties;

30 (c) The landlord must refund any unearned rent and the tenant's
31 deposits, less lawful deductions, including the reasonable costs of
32 removing and storing the property, to the designated representative
33 or to any other person lawfully entitled to the funds;

34 (d) Any person who removes property from the tenant's leased
35 premises must, at the time of removal, create and sign an inventory
36 of the removed property and acknowledge in writing that he or she has
37 only been given possession and not ownership of the property.

38 (4) If the landlord places the property in storage pursuant to
39 subsection (3)(a) of this section, the landlord must send a second
40 written notice to any designated representative, to any person

1 identified as an emergency contact on the application, and to the
2 deceased tenant at the leased premises. The second notice must state
3 that the landlord may sell or dispose of the property on or after a
4 specified date that is at least thirty days after the second notice
5 is mailed if the landlord is not contacted by anyone claiming the
6 right to lawful possession of the property.

7 (5) Any notices sent by the landlord under this section must
8 include a mailing address, any address used for the receipt of
9 electronic communications, and a telephone number of the landlord.

10 (6) In a written lease or other agreement, a landlord and tenant
11 may agree to a procedure different than the procedure provided in
12 this section for removing, storing, or disposing of property in the
13 leased premises of a deceased tenant.

14 (7) If a tenant, after being furnished with a written notice,
15 fails to provide the information and statement set forth in
16 subsection (1)(a) and (b) of this section or no representative of the
17 deceased tenant's estate provides written notice to the landlord of
18 intent to administer the deceased tenant's estate within forty-five
19 days of the tenant's death, the landlord is not responsible for
20 removal, storage, disappearance, damage, or disposition of property
21 in the leased premises of the deceased tenant.

22 (8) If a landlord, after being furnished with a copy of this
23 section, knowingly violates this section or fails to facilitate
24 proper administration of the deceased tenant's estate after proper
25 notice under Title 11 RCW, the landlord is liable to the deceased
26 tenant's estate for actual damages.

27 (9) A landlord who complies with this section is relieved from
28 any liability relating to the deceased tenant's property.

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