
Judiciary Committee

HB 1520

Title: An act relating to disposing property in the leased premises of a deceased tenant.

Brief Description: Creating procedures for disposing property in the leased premises of a deceased tenant.

Sponsors: Representatives Shea, Rodne, Pedersen, O'Ban and Ryu.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates procedures for the disposal of a residential tenant's personal property in the event of the tenant's death.

Hearing Date: 2/14/13

Staff: Omeara Harrington (786-7136).

Background:

The Residential Landlord Tenant Act (RLTA) governs the relationship between the renter of residential property (the tenant) and the property owner or the property owner's agent (the landlord). The RLTA outlines the specific duties of the landlord and the tenant and establishes procedures for each party to enforce his or her rights.

The RLTA provides a procedure for landlords to follow in handling a tenant's personal property in the event that the tenant abandons the tenancy. Upon determination that the tenancy has been abandoned, and an accompanying default in the payment of rent, the landlord may take immediate possession of the tenant's personal property and store the property in a reasonably secure place. The landlord is required to make reasonable efforts to notify the tenant of the location where the property is stored, and of any impending sale. If the tenant does not come forward to claim the property within 45 days of notice, the landlord may sell or dispose of the property. The landlord may apply the proceeds against moneys due to the landlord by the tenant.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The landlord must hold any excess income for the benefit of the tenant for one year, after which the balance is property of the landlord.

The RLTA does not explicitly address what procedures a landlord should follow with respect to a tenant's property in the case of the tenant's death.

Summary of Bill:

A new section is added to the RLTA addressing the disposition of a deceased tenant's personal property.

Upon written request of a landlord, a tenant must provide the landlord with the name and contact information of a designated person for the landlord to contact in the event of the tenant's death. The tenant must also sign a statement authorizing the landlord to allow the designated person to remove any of the tenant's property and release the security deposit to the designated person for the benefit of the tenant's estate. The statement must also authorize the landlord to dispose of the tenant's property consistent with the tenant's intent or will. A tenant may voluntarily provide the landlord with the information of a designated person even absent a request of the landlord.

If a the tenant is the sole occupant of a leased premises at the time of their death:

- the landlord may remove and store the tenant's property;
- the landlord must turn over possession of the property to the designated person or another person who is lawfully entitled to the property if the request for the property is made before the property is discarded;
- the landlord must return the security deposit to the designated person or other entitled person, and may deduct the cost of that removal of the property from the security deposit;
- any person who removes property from the premises is required to provide the landlord with a signed inventory of removed property; and
- the landlord may discard the property if the landlord makes a written request to the designated person to remove the property, the property is not removed within 30 days, and no other person has claimed the property.

A landlord and tenant may agree by lease or other agreement to an alternative procedure for removing, storing, or disposing of property in the event of the tenant's death.

If the tenant fails to comply with a request to designate a person, or 60 days have elapsed since the tenant's death and no representative of the tenant's estate provides notice to the landlord of intent to administer the tenant's estate, the landlord is not responsible for the property.

A landlord failing to comply with this act or with facilitation of proper administration of the estate is liable to the tenant's estate for actual damages. If the landlord complies with this act, the landlord is relieved from any liability relating to the deceased tenant's property.

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.