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**SENATE BILL 5538**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Angel and Sheldon

AN ACT Relating to disposing property in the leased premises of a deceased tenant; and adding a new section to chapter 59.18 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 59.18 RCW to read as follows:

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

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

(b) Sign a statement authorizing the landlord in the event of the tenant's death to: (i) Grant the designated person access to the tenant's leased premises at a reasonable time and in the presence of the landlord or the landlord's agent; (ii) allow the designated person to remove any of the tenant's property found at the leased premises; (iii) refund the tenant's deposits, less lawful deductions, to the designated person for the benefit of the tenant's estate; and (iv) authorize the designated person to dispose of the tenant's property consistent with the tenant's intent and any applicable law or will. The designated person is liable to the tenant's estate for the property received. The designated person is appointed for a period of two years, subject to reappointment. The tenant may change the designated person or revoke any previous designation at any time prior to his or her death.

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

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

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

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

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

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

(4) If the landlord places the property in storage pursuant to subsection (3)(a) of this section, the landlord must send a second written notice to any designated representative, to any person identified as an emergency contact on the application, and to the deceased tenant at the leased premises. The second notice must state that the landlord may sell or dispose of the property on or after a specified date that is at least thirty days after the second notice is mailed if the landlord is not contacted by anyone claiming the right to lawful possession of the property.

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

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

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

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

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

**--- END ---**