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HOUSE BILL 1326

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Franklin, Mitchell, Day, Prentice, Paris, Moyer, Winsley, Cole, Zellinsky, Bray, Ferguson, Edmondson, Wood, Wynne, Lisk, Wineberry, Heavey, Jones, Vance, Tate and Nelson.

Read first time January 25, 1991. Referred to Committee on Housing.

1 AN ACT Relating to residential landlord drayage and storage costs  
2 of tenant property; and amending RCW 59.18.310.

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

4 **Sec. 1.** RCW 59.18.310 and 1989 c 342 s 10 are each amended to  
5 read as follows:

6 If the tenant defaults in the payment of rent and reasonably  
7 indicates by words or actions the intention not to resume tenancy, the  
8 tenant shall be liable for the following for such abandonment:  
9 PROVIDED, That upon learning of such abandonment of the premises the  
10 landlord shall make a reasonable effort to mitigate the damages  
11 resulting from such abandonment:

12 (1) When the tenancy is month-to-month, the tenant shall be liable  
13 for the rent for the thirty days following either the date the landlord  
14 learns of the abandonment, or the date the next regular rental payment  
15 would have become due, whichever first occurs.

1 (2) When the tenancy is for a term greater than month-to-month, the  
2 tenant shall be liable for the lesser of the following:

3 (a) The entire rent due for the remainder of the term; or

4 (b) All rent accrued during the period reasonably necessary to  
5 rerepent the premises at a fair rental, plus the difference between such  
6 fair rental and the rent agreed to in the prior agreement, plus actual  
7 costs incurred by the landlord in rerepenting the premises together with  
8 statutory court costs and reasonable attorney's fees.

9 In the event of such abandonment of tenancy and an accompanying  
10 default in the payment of rent by the tenant, the landlord may  
11 immediately enter and take possession of any property of the tenant  
12 found on the premises and may store the same in any reasonably secure  
13 place. A landlord shall make reasonable efforts to provide the tenant  
14 with a notice containing the name and address of the landlord and the  
15 place where the property is stored and informing the tenant that a sale  
16 or disposition of the property shall take place pursuant to this  
17 section, and the date of the sale or disposal, and further informing  
18 the tenant of the right under RCW 59.18.230 to have the property  
19 returned prior to its sale or disposal. The landlord's efforts at  
20 notice under this subsection shall be satisfied by the mailing by first  
21 class mail, postage prepaid, of such notice to the tenant's last known  
22 address and to any other address provided in writing by the tenant or  
23 actually known to the landlord where the tenant might receive the  
24 notice. The landlord shall return the property to the tenant less  
25 actual reasonable drayage and storage costs if the tenant makes a  
26 written request for the return of the property before the landlord has  
27 sold or disposed of the property. After forty-five days from the date  
28 the notice of such sale or disposal is mailed or personally delivered  
29 to the tenant, the landlord may sell or dispose of such property,  
30 including personal papers, family pictures, and keepsakes. The

1 landlord may apply any income derived therefrom against moneys due the  
2 landlord, including actual reasonable costs of drayage and storage of  
3 the property. If the property has a cumulative value of fifty dollars  
4 or less, the landlord may sell or dispose of the property in the manner  
5 provided in this section, except for personal papers, family pictures,  
6 and keepsakes, after seven days from the date the notice of sale or  
7 disposal is mailed or personally delivered to the tenant: PROVIDED,  
8 That the landlord shall make reasonable efforts, as defined in this  
9 section, to notify the tenant. Any excess income derived from the sale  
10 of such property under this section shall be held by the landlord for  
11 the benefit of the tenant for a period of one year from the date of  
12 sale, and if no claim is made or action commenced by the tenant for the  
13 recovery thereof prior to the expiration of that period of time, the  
14 balance shall be the property of the landlord, including any interest  
15 paid on the income.