

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1326

52nd Legislature
1991 Regular Session

Passed by the House March 11, 1991
Yeas 96 Nays 1

**Speaker of the
House of Representatives**

Passed by the Senate April 11, 1991
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1326** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1326

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Housing (originally sponsored 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 February 8, 1991.

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 rerepending 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 after the
25 tenant has paid the actual or reasonable drayage and storage costs
26 whichever is less if the tenant makes a written request for the return
27 of the property before the landlord has sold or disposed of the
28 property. After forty-five days from the date the notice of such sale
29 or disposal is mailed or personally delivered to the tenant, the
30 landlord may sell or dispose of such property, including personal

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