

SENATE BILL REPORT

SB 5306

As of February 20, 2013

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: Senators Benton, Carrell and Hobbs.

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 2/07/13.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Staff: Alison Mendiola (786-7483)

Background: The Residential Landlord-Tenant Act (RLTA) regulates residential tenancies and the relationship between landlords and tenants of residential dwelling units. The RLTA establishes rights and duties of both tenants and landlords, procedures for the parties to enforce their rights, and remedies for violations of the RLTA.

Landlord duties include such things as the duty to maintain the premises in reasonably good repair and remedy defective conditions within specified timelines. Tenant duties include the duty to pay rent, not damage the dwelling or allow a nuisance, and not engage in drug activity or criminal activity on the premises. The RLTA covers a wide variety of other issues governing the landlord-tenant relationship, including: prohibited provisions in rental agreements and prohibited practices by landlords; the landlord's right of access to the dwelling unit; procedures and remedies available to a landlord when a tenant has abandoned the tenancy or is subject to eviction for violations of the RLTA; and requirements with respect to the collection and retention of security deposits, nonrefundable fees, and fees or deposits to hold a dwelling unit or secure a tenancy.

The RLTA is silent as to how a landlord is to dispose of a tenant's property in the event of a tenant's death.

Summary of Bill: The RLTA provides procedures on how a landlord is to dispose of a tenant's property in the event of a tenant's death.

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.

Upon written request by a landlord, a tenant must:

- provide the landlord with contact information of a designated person in the event of the tenant's death; and
- sign a statement allowing this person access to the tenant's unit and property and to accept the tenant's security deposit for the benefit of the estate.

The designated person is appointed for two years, and subject to reappointment.

A tenant may provide a landlord with this information, in the absence of a landlord requiring it.

Unless otherwise agreed upon, in the event of a tenant's death where the tenant was the sole occupant:

- the landlord may remove and store all property found in the leased premise;
- the landlord must turn over possession of the property to the designated person or any other lawful person entitled to the property so long as the request is made before the property is disposed of;
- the landlord must refund the tenant's security deposit to the designated person or any other personal lawfully entitled to the property;
- any person who removes property must create and sign an inventory of the removed and submit this signed inventory to the landlord; and
- in some instances, the landlord may discard the property.

In the event a tenant dies and the tenant has not provided a contact or a representative of the tenant's estate has not contacted the landlord within 60 days of the tenant's death, the landlord is not responsible for the property.

If a landlord fails to comply with the procedures agreed to with the tenant, the landlord is liable to the deceased tenant's estate for actual damages. A landlord who complies is relieved from any liability related to the deceased tenant's property.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The RLTA is silent and landlords need a process in place. This proposal is not meant to circumvent the probate process. To go through abandonment you have to say the deceased tenant abandoned the property which is intellectually dishonest. If you let someone take the property and it ends up being the wrong person, you are suddenly in the middle of a dispute. This issue has been discussed with tenant advocate groups before, so this is no surprise.

CON: Two sessions ago landlords and tenants sat together to address all issues under the RLTA. There has been no effort on the part of the landlords to negotiate with tenant

advocacy groups on this. This proposal has not been vetted by the bar's probate section. There is a small estate process in Washington that is much shorter than the standard probate process so there is already a process in place to address the property of a deceased tenant. All of this can be avoided by giving a key to someone.

Persons Testifying: PRO: Joe Puckett, WA Multi-Family Housing Assn.; Chester Baldwin, Rob Trickler, WA Apartment Assn.; Kyle Woodring, Rental Housing Assn.

CON: Gregory Provenzano, Columbia Legal Services; Mary Ann Strickler, WA Landlords Assn.