
Judiciary Committee

HB 1635

Title: An act relating to the disposition of tenant property placed upon the nearest public property.

Brief Description: Concerning the disposition of tenant property placed upon the nearest public property.

Sponsors: Representatives Barkis, Stanford and Harmsworth.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Establishes a five-day period after which a landlord may dispose of an evicted tenant's property that has been placed on the nearest public property.

Hearing Date: 2/7/17

Staff: Audrey Frey (786-7289).

Background:

Under the Residential Landlord-Tenant Act (RLTA), a tenant may face an eviction lawsuit, also known as an unlawful detainer action, if he or she continues to occupy rental property after the expiration of the lease term, fails to pay rent after receiving a request to pay or vacate, or otherwise substantially fails to comply with his or her statutory duties under the RLTA.

After filing an unlawful detainer action, the landlord must serve the tenant with a summons and complaint notifying the tenant of the lawsuit and the response deadline. In connection with an unlawful detainer action, a landlord may also apply for a court order, called a writ of restitution, directing the sheriff to physically evict the tenant, remove his or her belongings, and restore the premises to the landlord.

If the court issues a writ of restitution, the sheriff must deliver a copy of the court order to the tenant, including written notice of the physical eviction date, information about what will happen

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to any personal property remaining on the premises after eviction, and a form that the tenant can use to request that the landlord store his or her personal property.

If the tenant serves a written request for storage on the landlord within three days, the landlord must store the tenant's personal property. In order to later recover the property, the tenant must pay the storage cost to the landlord. If the tenant objects to storage, the landlord must place the personal property on the nearest public property, such as a sidewalk. If the tenant neither makes a written request for storage nor objects to storage, the landlord may choose either to store the personal property or place it on the nearest public property.

The landlord may dispose of or sell the tenant's property to recoup storage costs after providing the tenant with appropriate notice. Seven-day notice is required where the property is equal to or less than \$250, and thirty-day notice is required where the property is worth more than \$250. Any excess income from the sale not collected by the tenant within one year must be deposited with the Department of Revenue.

Summary of Bill:

If a landlord has placed an evicted tenant's property on the nearest public property, a period of not less than five days must pass before the landlord may dispose of that 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.