

HOUSE BILL REPORT

SHB 1326

*As Passed House
March 11, 1991*

Title: An act relating to residential landlord drayage and storage costs of tenant property.

Brief Description: Regulating drayage and storage of tenants' property by landlords.

Sponsor(s): 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).

Brief History:

Reported by House Committee on:
Housing, February 8, 1991, DPS;
Passed House, March 11, 1991, 96-1.

**HOUSE COMMITTEE ON
HOUSING**

Majority Report: *That Substitute House Bill No. 1326 be substituted therefor, and the substitute bill do pass.*
Signed by 8 members: Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Ballard; Leonard; Ogden; and Wineberry.

Staff: Bill Lynch (786-7092).

Background: Under the common law, a landlord had the right to hold the personal property of a tenant, if the tenant was not current in the payment of rent, as a means of ensuring that the debt would be satisfied. This "right of distress" by a landlord has been abolished by statute. A landlord is not allowed to take or detain the personal property of a tenant without the specific written consent of the tenant.

When a tenant abandons a tenancy and is also in default of rent, the landlord may enter and take possession of the premises. The landlord is authorized under these circumstances to take possession of any of the tenant's property found on the premises and store the property in a secure place.

Before disposing or selling any of the property left by the tenant, the landlord must make reasonable attempts at notifying the tenant where the property is being stored, that a sale or disposal of the property will take place, the date of the sale or disposal, and that the tenant has the right to have the property returned before it is sold or disposed.

The landlord may sell property with a cumulative value over fifty dollars 45 days after the date the notice of the sale or disposal is sent to the tenant. The landlord may apply any of the proceeds from the sale of the property against any actual reasonable costs of drayage (transporting) and storage of the property. The landlord must hold any excess income from the sale of the property for the benefit of the tenant for a period of one year after the sale. The landlord may keep the income from the sale if no claim is made or action commenced by the tenant during this one year period.

Current law does not allow the landlord to recover the costs of transporting and storing the tenant's property from the tenant if the tenant requests the return of the property before it is sold or disposed.

Summary of Bill: A landlord may recover the costs of drayage (transporting) and storage of property left by a tenant after a tenant has abandoned the tenancy, if the tenant requests the return of the property before it is sold or disposed. The tenant's request for the return of the property must be in writing.

Fiscal Note: Not requested.

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

Testimony For: This is a cleanup bill to put language into the law that was inadvertently omitted when the Residential Landlord Tenant Law was revised two sessions ago. It makes the landlord remedies consistent for transporting and storing a tenant's property after abandonment has occurred.

Testimony Against: Other issues such as abandonment, the notice period required, and what constitute "reasonable costs" should also be examined.

Witnesses: Robert Zinsli, WA Apartment Association; Rick Slunaker and Pearl O'Dell, Yakima Valley Rental Association; Richard Gamble, Tenants Union; and Bruce Neas, Legal Services.