

# FINAL BILL REPORT

## SHB 1326

---

C 220 L 91

*Synopsis As Enacted*

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

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).

House Committee on Housing  
Senate Committee on Law & Justice

**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 to notify the tenant of the location at which the property is being stored, that a sale or disposal of the property will take place, of 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.

If the property has a cumulative value over \$50, the landlord may sell the property 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.

The landlord may not recover the costs of transporting and storing the tenant's property from the tenant if the tenant requests the return of the property before its sale or disposal.

**Summary:** 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 its sale or disposal. The tenant's request for the return of the property must be in writing. The landlord may recover the lesser of the actual costs or reasonable costs.

**Votes on Final Passage:**

House	96	1	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	42	0	(Senate amended)
House	94	0	(House concurred)

**Effective:** July 28, 1991