

HOUSE BILL REPORT

HB 2815

*As Reported By House Committee on:
Housing*

Title: An act relating to drayage and storage costs.

Brief Description: Authorizing landlords to take possession of tenants' property upon a writ of restitution.

Sponsor(s): Representatives Franklin, Edmondson, Inslee, Lisk, Rayburn, Winsley, Nelson, Ogden, Leonard, Mitchell, Brough and Rasmussen.

Brief History:

Reported by House Committee on:
Housing, January 31, 1992, DPS.

**HOUSE COMMITTEE ON
HOUSING**

Majority Report: *The substitute bill 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: A landlord is authorized to enter and take possession of any property of the tenant found on the premises after the tenant has abandoned the tenancy and there is a default in the payment of rent. The landlord may store the property in a reasonably secure place. After reasonable efforts to notify the tenant about the property and that a sale or disposal of the property will take place, the landlord may sell or dispose of the property.

The landlord may apply the proceeds from the sale of the tenant's property to the drayage (transportation) and storage costs of the property. Before the property is sold, the landlord must return the tenant's property if the tenant requests its return and pays the drayage and storage costs.

Any excess income from the sale of the property must be held by the landlord for the tenant for one year. If the tenant

does not claim the excess income after that time, the landlord may keep it.

No similar procedure exists for transporting and storing a tenant's property in the case of an eviction.

Summary of Substitute Bill: A landlord may, upon the execution of a writ of restitution by the sheriff (eviction procedure), enter and take possession of any property of the tenant found on the property. The landlord must store the property in a reasonably secure place.

If the tenant or the tenant's representative objects to the storage of the property, the tenant's property must be deposited upon the nearest public property and not moved or stored by the landlord. If the tenant is not present at the time the writ of restitution is executed, then it is presumed that the tenant does not object to the storage of the property.

Property moved and stored by the landlord must be returned to the tenant after the tenant pays the drayage and storage costs. The landlord may sell or dispose of the property after providing notice of the sale to the tenant. The landlord may apply the proceeds from the sale of the property to the drayage and storage costs.

Any excess income from the sale of the tenant's property must be held by the landlord for the tenant for a period of one year. If no claim is made upon the money, then the excess income is treated as abandoned property and deposited with the Department of Revenue.

Intangible property held by a landlord as a result of a sheriff's sale that remains unclaimed for a period of one year after the date of the sale is presumed abandoned.

The sheriff is required to provide a written notice to a tenant when serving a writ of restitution that describes the conditions under which the tenant's property may be moved and stored.

Nothing is to be construed as creating a right of distress, allowing the landlord to seize a tenant's property to satisfy a debt.

Substitute Bill Compared to Original Bill: The sheriff is required to provide a tenant with written notice about the drayage and storage process when serving a writ of restitution.

Fiscal Note: Requested on January 27, 1992.

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

Testimony For: This process will help address situations where the sheriff objects to placing a tenant's property out in public.

Testimony Against: None.

Witnesses: Rick Slunaker, Yakima Valley Rental Association.