

SENATE BILL REPORT

SB 5013

As Passed Senate, March 2, 2017

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: Senators Warnick and Hobbs.

Brief History:

Committee Activity: Financial Institutions & Insurance: 1/17/17, 1/19/17 [DP, DNP].

Floor Activity:

Passed Senate: 3/02/17, 33-16.

Brief Summary of Bill

- Establishes a five-day timeframe after which a landlord may dispose of an evicted tenant's property.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE

Majority Report: Do pass.

Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain and Hobbs.

Minority Report: Do not pass.

Signed by Senator Kuderer.

Staff: Jeff Olsen (786-7428)

Background: Washington's Residential Landlord-Tenant Act (RLTA) governs the relationship between landlords and tenants of residential dwelling units. The RLTA provides a process called an unlawful detainer action that may be used by a landlord to evict a tenant under certain circumstances. A tenant may be guilty of unlawful detainer if the tenant fails to pay rent and has not vacated the premises after a request to do so, or if the tenant continues to occupy the property after the expiration of the lease term. The landlord must serve the tenant

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with a summons and complaint of the unlawful detainer action and the tenant must respond by a certain date.

If the court issues a writ of restitution, an order directing the sheriff to physically evict the tenant, the sheriff must deliver a copy of the writ to the tenant, informing the tenant that they can be physically removed from the premises after a certain date. The sheriff must also give the tenant a written notice informing the tenant what can happen to the tenant's personal property if it is not removed by the date of the eviction.

Once a writ of restitution is issued, the landlord may take possession of any of the tenant's property that is left at the premises. The landlord may either store the tenant's property, unless the tenant objects, or deposit it on the nearest public property.

Summary of Bill: An evicted tenant's property placed upon the nearest public property may be disposed of by the landlord after five days.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill helps create uniformity without infringing on cities current practices, and also protects tenants by providing notice and a specific number of days to get their belongings. The bill also protects the landlord by providing more certainty regarding the process. The problem landlords face now is after going through the eviction process, there is no direction on how long a tenant's property must stay on public property. The belongings left behind are frequently little or no value.

CON: More than five days is needed for tenants to find adequate housing and move their belongings. Medical emergencies make it difficult for people, they may lose their job, can't pay their rent, face eviction, and need to find shelter. Many evicted tenants end up being homeless. Proposed changes should be developed by all stakeholders including local governments and tenants. A tenant with a medical issue can end up being evicted if there are unable to pay their rent or move their belongings due to their medical condition. Landlords should store an evicted tenant's property, similar to the process which is in place for instances when a tenant dies or abandons the property.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Chester Baldwin, Washington Rental Owner's Association.

CON: Nancy Sapiro, Columbia Legal Services; Xochitl Maykovich, Washington Community Action Network - Political Organizer.

Persons Signed In To Testify But Not Testifying: No one.