

# When a Tenant Who Lives Alone Dies

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## Should I read this?

Yes, **if** one of these is you:

- You rent your house, manufactured home, or apartment from a landlord. You live alone.
- Someone has designated you to take care of their things in their rental unit after they die.

## What are some words and expressions I should know?

Affidavit – written document

Personal representative –the Superior Court appoints this person to represent your estate in a probate case.

Successor – the person/s entitled to your property under your will or Washington laws. See [RCW 11.62.005](#).

Tenant representative –Can be a tenant’s personal representative, if known to the landlord; someone claiming to be a successor; a designated person; or someone with reasonable evidence that they are a successor.

## What happens to my personal belongings after I die?

You can choose (designate), in writing, someone to deal with that. [RCW 59.18.590](#) – [RCW 59.18.595](#).

## Does this involve the landlord?

The landlord can ask you to designate someone. You can do it even if the landlord does not ask.

## Why should I designate someone to take care of my things?

- Your heirs may not learn of your death right away.
- It might take them a long time or cost them a lot to claim your property.

## What is a designation?

It must

- Be signed by you.
- Be separate from your lease.
- Give the designated person’s name, mailing address, email address, and phone number.
- Tell the landlord to let this person enter your place, take your things, receive any deposit refunds due, and take care of your things according to your Will or state law.
- State that this designation is good until you revoke it in writing or replace it with a new one.

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❖ There is a sample Tenant Designation Form and blank version at the end.

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## Can I change my mind?

Yes, at any time. You must then do one of these:

- Revoke (cancel) your designation.
- Replace it with the written designation of someone new.

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❖ If you revoke a designation, you must notify your landlord in writing. Use the Revocation of Tenant Designation Form at the end.

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## What limits the designated person's authority?

That person can act on your behalf unless you notify your landlord that you have revoked your designation, OR the person or landlord learns that one of these has happened:

- The Superior Court has appointed a personal representative for your estate.
- Someone claiming to be a **successor** gives the landlord proof of your death and an affidavit under [RCW 11.62](#). [How to Claim the Personal Property of Someone Who Has Died](#) has more info.

## What must the landlord do after learning of my death?

The landlord must mail or hand deliver written notice to any known

- Personal representative.
- Designated person.

- Emergency contact (listed on your rental application), anyone reasonably believed to be a successor ([RCW 11.62.005](#)), and you at your place.

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❖ A landlord with email addresses for any of these must also email the notice.

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## What must this notice say?

- Your name
- Approximate date of your death
- How much your rent is
- Date through which you had paid rent
- That your tenancy ends fifteen days after the date of mailing/delivering the notice OR the date through which you had paid rent, whichever is later, UNLESS during the fifteen days someone arranges to pay the rent in advance for up to 60 days from the date of your death to get your things
- That if no one removes your things by the end of the tenancy, the landlord can store and charge for moving and storing them, and sell or get rid of your things after giving another notice
- A copy of any written designation you made

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❖ The landlord must give your designated person your things if the person requests them in writing within the proper time.

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## What if someone pays my rent to buy more time to get my things out?

The landlord must mail everyone listed in the above section a second notice, stating:

- The name, address, and phone number or other contact info for the person who paid the rent
- How much they paid
- The date through which they paid
- The landlord may sell or get rid of your things on or after the date through they paid rent OR at least 45 days after mailing the second notice, whichever comes later, if your tenant representative does not get the property

No more than fourteen days after the person gets your things from your place, the landlord must refund any unearned rent and deposit. A landlord who keeps the deposit must tell the person in writing why.

## I am a tenant representative. I removed things from the rental place. Now what?

You must give the landlord a written list of what you took and a statement that you only have possession, not ownership, of these things.

## I have a designated person. Can the landlord go into my apartment after I die anyway?

Yes, to

- Get rid of food, hazardous materials, and/or garbage.

- Turn over pets to your tenant representative, animal control officer, humane society, or anyone willing to care for them.

## What happens if no one claims my things?

If no one contacts the landlord or gets your things by the deadlines, the landlord can sell or get rid of **everything but** personal papers and photos.

**First**, the landlord must send another notice to any known personal representative, designated person, emergency contact, or successor, and to you at your place. It must state:

- The landlord can get rid of your things on or after a date at least 45 days from this notice if no one claims and gets your things.
- The landlord must release your things to any tenant representative making a written request within the 45-day period, **if** the representative pays to move and store them, gives the landlord a list of your things, and signs a statement that they have possession, not ownership, of your things.
- Within fourteen days after getting your things, the landlord must refund the tenant representative any unearned rent or other refunds due your estate with a written statement explaining the reason for keeping any of the deposit.

## The 45 days' notice has run. No one claimed my things. What happens now?

If the landlord thinks your things are worth more than one thousand dollars, the landlord must sell them. The landlord can get rid of anything unsold. The landlord can use profits from the sale to offset the costs of moving, storing, and selling your stuff. The landlord must deposit any money left over after that in an account. If no one contacts the landlord about that money, after one year the landlord must treat it as abandoned property. The Unclaimed Property Act, [RCW 63.29](#), has more info.

If your things are worth less than one thousand dollars, the landlord may donate them to a charity, have them removed by a trash hauler or recycler, or otherwise dispose of them.

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- ❖ No landlord, landlord employee, or landlord relative can keep, buy, or otherwise acquire any of your property.
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Personal papers and photos: The landlord must hold onto these for ninety days after disposing of your other stuff. If no one claims the papers/photos within that time, the landlord can

- Destroy them.
- Hold onto them for a successor.

## What if the landlord does not follow the law?

Your estate can sue the landlord for damages.

## What if I need legal help?

- Apply online with [CLEAR\\*Online](#) - <https://nwjustice.org/get-legal-help> or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County**: Call 1-888-201-1014 weekdays, 9:15 a.m. - 12:15 p.m.
- **King County**: Call 211 for info and referral to an appropriate legal services provider weekdays, 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free, 1-877-211-WASH (9274). You can also get info on legal service providers in King County through 211's website, [www.resourcehouse.com/win211/](http://www.resourcehouse.com/win211/).
- **Persons 60 and Over**: Persons 60 or over may call CLEAR\*Sr at 1-888-387-7111, regardless of income.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of your choice.

Free legal education publications, videos, and self-help packets covering many legal issues are available at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org).

211 and CLEAR will conference in free interpreters when needed.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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**TENANT DESIGNATION PURSUANT TO RCW 59.18.000**

The undersigned, \_\_\_\_\_, a tenant at  
\_\_\_\_\_, \_\_\_\_\_ (City), WA, designates  
\_\_\_\_\_ (designated person), to act on my behalf  
pursuant to RCW 59.18.000 in the event that I am the sole occupant of the premises on the date  
of my death.

My designee's mailing address and phone number are:

\_\_\_\_\_  
\_\_\_\_\_.

The address for electronic communications, if any, is:

\_\_\_\_\_.

My designee is allowed to have access to the premises, remove my personal property, receive funds due me from my landlord, and dispose of my property consistent with my last will and testament and any applicable intestate succession law.

I understand that this designation will remain in effect until I revoke it or replace it with a new designation. **I may change my designated person or revoke this designation in writing at any time before my death.**

Dated: \_\_\_\_\_

\_\_\_\_\_, tenant

**REVOCATION OF TENANT DESIGNATION  
(RCW 59.18.000)**

I, [tenant's name] \_\_\_\_\_, a tenant at [tenant's address] \_\_\_\_\_,  
\_\_\_\_\_ (city), WA, revoke my Tenant Designation of [name of former designee/designated person] \_\_\_\_\_, dated [date tenant signed Designation] \_\_\_\_\_.

Tenant: check one of these.

At this time, I opt not to appoint a new designee/designated person.

I designate \_\_\_\_\_ to act on my behalf pursuant to RCW 59.18.000 in the event that I am the sole occupant of the premises on the date of my death. See attached **Tenant Designation**, date [date tenant signed new Designation] \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_, tenant