

Tenants: Name someone to take care of your stuff if you die

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Fill out a **Designation of Tenant's Representative After Death** if you live alone and want to tell your landlord who can take your things if you die. Also read this to learn more if you're the person who's been designated.

1. Name a representative

I'm a tenant who lives alone. What happens to my personal belongings after I die?

You can choose someone to take care of your rental home, get any rent refunds, and get your things after you die. You must designate who this person is in writing and must follow the requirements of the law (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.590>). You can use the form Designation of Tenant's Representative After Death in this guide. You give the form to your landlord.

The person you choose is called the "tenant's representative." Your legal successors (<https://app.leg.wa.gov/rcw/default.aspx?cite=11.62.005>) can also be your personal representative when dealing with your landlord.

You should also complete a Will if you can.

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

It can help make sure your property is dealt with right away **by someone you trust** after you die. It also can help you minimize costs related to the lease ending because of your death. Using a designation form can prevent problems like:

- Your heirs not learning of your death right away.
- Delays or extra costs for your heirs when they try to claim your property.
- Your property could be handled by strangers or your landlord before your personal representative can access it.
- Your property can be destroyed.

Can my landlord make me fill out a designation form?

No. These kinds of forms **are optional** and aren't supposed to be part of your lease or rental agreement. A landlord can ask you to complete a designation form, but you don't have to if you don't want to. You can also give your landlord one even if they don't ask for one.

Where do I get the form?

Use the designation form in this guide.

If you write your own form, or use one your landlord gave you, make sure it follows the requirements of the law (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.590>).

What are the requirements for the designation form?

It must be written. It also must have all these:

- Include your signature and the date you signed it.
- Be separate from your lease.
- Give the designated person's name, mailing address, email address, and phone number.
- Tell the landlord to let this designated 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 cancel (revoke) it in writing or replace it with a new one.

Can I change my mind?

Yes, at any time. To revoke your designation, you must do it in writing. You can use our Revocation of Tenant's Designated Representative After Death.

You can also change who the personal representative is. To designate a new tenant personal representative, fill out a new designation form.

Give your landlord a copy of any revocation or new designation forms.

What limits the designated person's authority?

The person you designate can act on your behalf related to your rental unless you notify your landlord that you've revoked the designation. The person also must stop acting on your behalf if either of these are true:

- The Superior Court has appointed a personal representative for your estate.
- Someone claiming to be your **successor** gives the landlord proof of your death and a Small Estate Affidavit under RCW 11.62 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=11.62>). Then that person can claim your personal property and deal with your rental.

2. After death

What must the landlord do after learning of my death?

()The landlord must mail or hand deliver written notice to these people (if they're known to the landlord):

- Your personal representative.
- The designated person listed in a designation of tenant's representative form.
- Your emergency contact (listed on your rental application).

- Anyone reasonably believed to be your successor.
- You at your rental itself. Even though you'll be deceased, the notice is important at your residence for your estate and those helping with your end-of-life matters.

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

What must this notice say?

- Your name and the address of your rental unit
- Approximate date of your death
- How much your rent is
- Date through which you'd paid rent
- It should tell you that your tenancy ends **15 days** after the date of mailing or delivering the notice **or** from the date through which you had paid rent, **whichever is later**. If during the 15 days someone arranges to pay the rent in advance for **up to 60 days** from the date of your death to get your things, then your tenancy can be continued under those terms.
- It should say that if no one removes your things by the end of the tenancy, the landlord can store and charge for moving and storing them. Then the landlord can sell or get rid of your things after giving **another** notice to you and your representative.
- It should also include a copy of any written designation you made and gave to the landlord before your death.
- It should include your landlord's contact information, including a mailing address, phone number, and email if your landlord uses email to communicate.

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

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

The landlord must mail a second notice to every required person, 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
- If your tenant representative doesn't get the property, 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

What does my tenant representative do after removing my things from my place?

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

Can my tenant representative get my deposit and rent back?

Once your unit is vacated, the landlord also must return any unearned rent and your deposit to your tenant representative. The landlord should return the deposit you paid or provide a full and specific statement and accounting for keeping the deposit.

Within 30 days (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.280>) after the person gets your things from your place, the landlord must refund any unearned rent and the deposit.

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 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 the second 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 30 days after getting your things, the landlord must refund the tenant representative any unearned rent or other refunds due to you with a written statement explaining the reason for keeping any of the deposit.

The 45 days' notice has passed. What happens if no one claimed my things?

If the landlord thinks your things are **worth more than \$1,000**, 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 (<https://app.leg.wa.gov/RCW/default.aspx?cite=63.30>).

If your things are **worth less than \$1,000**, the landlord may donate them to a charity, have them removed by a trash hauler or recycler, or otherwise dispose of them.

No landlord, landlord employee, or landlord relative can keep, buy, or otherwise acquire any of your property.

What about my personal papers and photos?

The landlord must hold onto these for 90 days after disposing of your other stuff. If no one claims the papers or photos within that time, the landlord can

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

What if the landlord doesn't follow the law?

Your estate can sue the landlord for damages
(<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.595>).

3. Forms

Form attached:

Designation of Tenant's Representative After Death (NJP Planning 521)

Form attached:

Revocation of Tenant's Designated Representative After Death (NJP Planning 522)

WashingtonLawHelp.org gives general information. It is not legal advice.
Find organizations that provide free legal help on our Get legal help page.

Designation of Tenant's Representative After Death

Use this form to name a person to act on your behalf if you die while living alone in a rental. Give a copy to your landlord and to the person you name as your representative.

1. **My name is** _____ . I am a tenant at:

Rental address *city* *state* *zip*

2. **Tenant Representative**

I designate (*name*): _____ to act on my behalf if I die while living alone in my rental unit. This authorization is based on state law, RCW 59.18.590. This designation replaces any previous designations.

My representative can be contacted at:

Address *city* *state* *zip*

Phone: _____ [] text okay

Messaging app, if any (WhatsApp or others):

Email, if any: _____

Preferred language: _____

3. **Representative's Authority**

My representative 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.

4. **Effective date, duration, changes**

This designation is effective immediately and 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.



Tenant signs here

Date

Revocation of Tenant's Designated Representative After Death

Use this form to cancel a previous designation of tenant's representative after death. Give a copy to your landlord and to the person who is no longer your representative.

1. My name is _____. I am a tenant at:

Rental address *city* *state* *zip*

2. **Revocation**

I revoke the designation of (*name*): _____ as my
tenant representative that I signed on (*date*): _____. This
revocation is effective immediately.

3. **Replacement** (*check one*)

- ☐ At this time, I am **not** naming a new tenant representative.
- ☐ I am naming a new tenant representative as stated in the *Designation of Tenant's Representative After Death* dated: _____.



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Date