CONNECTICUT CONFERENCE OF MUNICIPALITIES

900 Chapel St., 9th Floor, New Haven, Connecticut 06510-2807
Phone (203) 498-3000 • Fax (203) 562-6314 • www.ccm-ct.org

THE VOICE OF LOCAL GOVERNMENT

TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

PLANNING & DEVELOPMENT COMMITTEE

The Tenant Evictions Mandate

March 10, 2010

The Connecticut Conference of Municipalities is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population.

We appreciate this opportunity to testify before this joint committee in support of the effort to remove municipalities from the responsibility to remove and store the possessions of evicted residential tenants.

The proposals are contained in **H.B. 5031, "An Act Concerning Reducing Costs to Municipalities"** and **H.B. 5255, "An Act Concerning Municipal Mandate Relief".**

These proposals would relieve municipalities of the unfunded state mandate to remove and store the personal property belonging to evicted residential tenants. Municipalities were relieved in 1997 of the mandate to remove and store the possessions of *evicted commercial* tenants.

The proposals are also a recommendation of the Municipal Opportunities and Regional Efficiencies (MORE) Commission.

R.B. 5031 and R.B. 5255 would move responsibility for this to state marshals.

The tenant evictions mandate is costly to municipalities. It is estimated that there are about 2,500 residential evictions per year. This might be a conservative estimate: last year, Bridgeport processed 582 evictions. The mandate costs the City $193,000.

Last year, the mandate cost a struggling New Haven $310,000.

CCM urges the Committee to examine the Office of Legislative Research's "Research Report", Number 2006-R-0164 (attached). Entitled, "State Laws on Landlord's Treatment of Abandoned Property", the report shows that, of the 37 states researched, *Connecticut is the only state that mandates that municipalities remove and store the possessions of evicted tenants*. In other states, landlords or sheriffs have the responsibility.

And, storage costs average $10 per day, per eviction, for an average of 15 days. The costs for storage alone – *excluding staff, vehicles and other administrative costs* – can range from approximately $9,000 to $147,900.

The mandate takes up considerable time on the municipal level. When a person has been evicted, municipalities must (1) secure a moving vehicle to pick up property and take it to a storage facility, and (2) store the possessions for at least 15 days. Municipalities are allowed to try to recoup some of the costs by auctioning off the items. However, municipalities must incur costs associated with conducting an auction (including publicizing the auction, etc.). And, usually the possessions are not sellable. According to one municipal official involved in this process, the belongings are reclaimed in only about 10% of the cases.

Danbury estimates $40,000 on labor, storage, transportation and other costs associated with eviction proceedings. The mandate costs Hartford $110,000 per year.

The notion that isolated municipalities provide social services does not justify municipal involvement. Landlords could notify tenants of social services available to them. Most of the services would likely be state services, signaling a need for state involvement, not local.

Also worn out is the notion that, since the law has been on the books since 1895, it's appropriate and right. Needless to say, Connecticut has changed drastically in 100 years. Small, isolated communities where there would be rare evictions (with an unregulated landlord-tenant process), have been replaced with ever-increasing municipal responsibilities and a highly regulated landlord –tenant process.

Further, there are many laws from 100 years ago that are obsolete, like those regarding buggies. Again, the mere fact that the law still exists has nothing to do with its relevance.

Is the tenant evictions mandate the largest unfunded state mandate? Of course not. But it is one of the over 1,200 on the books. There is no justifiable reason for towns and cities to be involved in a landlord-tenant issue. Since the State doesn't have to foot the bill, it has been content to burden communities with the mandate. This is the kind of mandate that leaves municipal officials flummoxed. In 2010, with state and local governments scratching for pennies, imposing this type of cost on local budgets is evidence to them that the State just doesn't "get it."

This committee has a reputation for "getting it" and we hope it continues to do so by relieving municipalities of this mandate.

CCM urges the Committee to combine, draft and favorably report these proposals.

Thank you.

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For more information, please contact Ron Thomas or Carl Casa of CCM at (203) 498-3000.

Attachment

STATE LAWS ON LANDLORDS' TREATMENT OF ABANDONED PROPERTY
1 of 10 document(s) retrieved

Topic:
ABANDONMENT OF PROPERTY; EVICTION; LANDLORD-TENANT RELATIONS;
Location:
LANDLORD - TENANT RELATIONSHIP;

OLR RESEARCH REPORT

February 21, 2006 2006-R-0164

STATE LAWS ON LANDLORDS' TREATMENT OF ABANDONED PROPERTY

By: Sandra Norman-Eady, Chief Attorney

Ryan O'Neil, Research Assistant

Margarita Maslyukova-Malova, Research Fellow

You asked for a summary of laws in the 50 states regulating how landlords must handle personal property that tenants leave in their dwelling unit after an eviction. We could not locate a secondary source for this information so we summarized the law in as many states as we could within your timeframe.

SUMMARY

In the overwhelming majority of the 37 states that we researched, a landlord may dispose of personal property that a tenant leaves in dwelling units by selling it after first notifying the tenant of his intent and storing the property for a period prior to the sale. Colorado is the only state we identified where landlords have no duty to store property that tenants leave behind. Connecticut, Virginia, and Washington are the only states that we found that permit tenants' property to be placed on a street, sidewalk, or other public property.

Most of the states that allow landlords to dispose of personal property remaining in or at dwelling units give them the discretion to destroy or otherwise dispose of property they determine to be worth less than the total cost to move, store, and sell it at a public sale. Some states, like

California, Florida, Maine, and Nebraska, set a monetary threshold below which property may be destroyed or otherwise disposed of without a public sale.

The level of detail in the notice that landlords must provide tenants vary by state. While all states that require notice require it to inform the tenant that the property

will be disposed of unless he claims it in a specified number of days, some states (e. g. , California, Florida, Hawaii, Kansas, Massachusetts, and Nebraska) require the landlord to describe the property in sufficient detail for the tenant to identify it. Most states require the notice to be mailed or personally delivered, but Kansas landlords must instead publish the notice in a local newspaper.

The vast majority of the states allow landlords to recover costs associated with removing, storing, advertising, and selling personal property from sale proceeds. Generally, tenant owners are entitled to any residual proceeds.

Most of the states have laws that are specific to post-eviction handling of tenants' property. However, the law in some states (e. g. , Arizona, Iowa, Minnesota, Missouri, Nevada, and New Jersey) applies to property that a tenant "abandons" either pre- or post-eviction. These states generally establish a presumption that property is abandoned (1) after a specified number of days if the tenant has not informed the landlord of an extended absence or (2) if the tenant does not respond to the notice of disposition. Although a person who has been evicted from a dwelling unit is no longer a "tenant", we have used this term throughout for ease of understanding.

ABANDONED PROPERTY

Most states regulate the way landlords must handle personal property left behind by departed tenants. Many require landlords to notify tenants of the status of the property, including the landlord's intention to dispose of it on a specified date unless it is reclaimed. Most states require landlords to store the property before disposing of it and allow them to recover removal and storage costs from any proceeds they realize after selling the property. Table 1 shows the process for handling abandoned property in 37 states.

TABLE 1: DISPOSAL OF ABANDONED PROPERTY BY STATE

Alaska § 34. 03. 260	A landlord must notify his tenant that unless he removes the property within at least 15 days, the landlord will sell it or, if valueless, otherwise dispose of it. If the tenant appears to remove property, he must pay storage costs. If the tenant does not remove it, the landlord may sell, destroy, or otherwise dispose of it.
Arkansas § 18-16-108	All property left in and about the premises after termination of a lease are presumed abandoned and may be disposed of as the landlord sees fit. The property is subject to a lien in the landlord's favor for payment of agreed upon sums.
Arizona § 33-1370	When property is abandoned, the landlord must mail the tenant notice of his intention to take the property. The landlord must store it for at least 10 days. If the tenant does not attempt to recover it, the landlord may sell it and apply the proceeds towards any outstanding rent, costs the landlord occurred, and any other costs provided in the lease agreement. The landlord must mail excess proceeds to the tenant at his last know address. If provided in the rental agreement, a landlord may destroy or otherwise dispose of property that is worth less than the total cost to move, store, and dispose of it at a public sale.

	The landlord must keep adequate records and any excess proceeds for 12 months after a sale.
California Civil Code § 1983 et seq.	The landlord must send a notice to the place the tenant is expected to receive it that (1) describes the property in sufficient detail for the tenant to identify it, (2) advises him that he has 15 days (18 days if the notice is mailed) to claim it, (3) appraises him of reasonable storage costs, and (4) tells him where to claim the property. The notice must also inform him that unclaimed property of value will be sold at a public sale and property believed to be worth less than $ 300 will be kept, sold, or destroyed. After deductions for storage, advertising, and the sale, landlords must turn over to the county any residual proceeds.
Colorado § 13-40-122	A sheriff may remove a tenant's personal property when executing a writ of restitution. A landlord has no duty to store or inventory the property, or to determine its condition or ownership. If he elects to do so, he may charge the tenant for reasonable storage costs.

Table 1: Continued

Connecticut § 47a-42	The state marshal executing the eviction must use reasonable efforts to locate and notify the tenant and any other previous occupants affected by the eviction of the date and time of the removal and possible sale of the property. The marshal must also give the chief executive officer (CEO) of the town where the rental unit is located a 24-hour notice of the eviction, stating the date, time, and location, and general description, if known, of the type and amount of property to be removed. If the property is unclaimed, the marshal can set it on an adjacent sidewalk, street, or highway. If not immediately removed, the CEO must remove and store the property at the tenant's expense. The CEO can sell, at a public auction, any property remaining in storage for more than 15 days after the eviction. He must make reasonable efforts to locate and notify the tenant of the sale, including posting a notice one week in advance of the auction on a public sign post located near the place of eviction or, if there is no sign post, at some exterior place near the town clerk's office. Within 30 days after the auction, the CEO must turn auction proceeds, minus a reasonable charge for removal and storage, to a tenant who asks for them. Absent a request, the CEO turns the proceeds over to the town treasury.
Delaware 25 § 5715	If a tenant has not removed his property at the time the writ of possession is executed, the landlord can immediately remove and store the property for 7 days at the tenant's expense. If the tenant does not claim the property and reimburse the landlord for removal and storage at the end of this period, the property is deemed abandoned and the landlord may dispose of it without further notice or obligation to the tenant.
Florida § 715. 04 et seq.	The landlord must send a notice, to the place the tenant is expected to receive it, that (1) describes the property in sufficient detail for the tenant to identify it, (2) advises him that he has 10 days (15 days if the notice is mailed) to claim it, (3) appraises him of reasonable storage costs, and (4) tells him where to claim the property.

	The notice must also inform him that unclaimed property of value will be sold at a public sale and property believed to be worth less than $ 500 will be kept, sold, or destroyed. After deductions for storage, advertising, and the sale, landlords must turn over to the county any residual proceeds.
Georgia § 44-7-55	A writ of possession authorizes the executing officer to remove a tenant's personal property and place it on some portion of the landlord's property or on other property that the landlord designates and the officer approves. The landlord owes no duty to the tenant regarding it. After the writ is executed, the property is regarded as abandoned.

Table 1: Continued

Hawaii § 521-56	The landlord may sell the property, store it, or donate it to a charitable organization. Before selling or donating it, the landlord must make reasonable efforts to notify the tenant, by mail, of the identity and location of the property and of his intention to sell or donate it. At least 15 days after the notice is mailed, the landlord may (1) sell the property after advertising the sale for at least three consecutive days in a daily paper of general circulation in the area where the premises is located or (2) donate the property to a charitable organization. After deducting any unpaid rent and the cost of storing and selling the property, the landlord must hold proceeds in trust for the tenant for 30 days, after which time the proceeds are forfeited to the landlord. The landlord may use his discretion to dispose of property that he determines is without value.
Idaho § 6-311C	The sheriff or constable executing the writ of possession is authorized to place any property remaining on the premises in a safe place for storage. He can place a lien on the property to offset costs.
Indiana §§ 32-31-4-1 to 32-31-4-5	A landlord who is awarded possession of a dwelling unit by a court may ask for an order to remove any personal property remaining on the premises and deliver it to a warehouseman. Before removing the property, the landlord must personally serve the tenant at his last known address with (1) a copy of the order and (2) the identity and location of the warehouseman. The warehouseman holds a lien on non-exempt property equal to the expenses for any of the following incurred by the warehouseman with respect to all of the property, whether exempt or not exempt: (1) storage, (2) transportation, (3) insurance, (4) labor, (5) present or future charges related to the property, (6) expenses necessary to preserve the property, and (7) expenses reasonably incurred in the lawful sale of the property. A tenant may claim exempt property (i. e. , a week's supply of seasonable clothing, blankets, items necessary for a minor's care and schooling, medically necessary property, or property used in the tenant's trade or business) at any time without paying costs. At any time prior to a sale, a tenant may claim his other property by paying the warehouseman the above-described expenses. A warehouseman may sell any nonexempt, unclaimed property 90 days the

	notice described above.

Table 1: Continued

Iowa § 555B. 2	A real property owner may remove abandoned personal property and place it in storage until a judgment of abandonment is entered or until the personal property owner pays a fair and reasonable charge for removal; storage; or other expense incurred, including reasonable attorneys' fees. The real property owner must notify the sheriff of the county where the real property is located when the property is removed. If the real property owner asks, the sheriff must notify the personal property owner, if known, of the removal. If the owner cannot be determined, and the real property owner so requests, the sheriff must give notice by one publication in a newspaper of general circulation in the county where the personal property was abandoned. If the personal property is not claimed within six months after notice, the sheriff must sell it at a public or private sale. After deducting sale costs, the sheriff must apply the net proceeds to the cost of removal, storage, notice, attorney fees, and any other expenses incurred for preserving the personal property. He must pay any remaining net proceeds to the county.
Kansas § 5-2565	The landlord may take possession of the property, store it at tenant's expense, and sell or otherwise dispose of it after 30 days. At least 15 days prior to the sale or disposition, the landlord must publish notice of his intention at least once in a newspaper of general circulation in the county where the dwelling unit is located. Within seven days after publication, the landlord must mail a copy of the published notice to the tenant at his last known address. The notice must include the tenant's name, a brief description of the property, and the approximate date on which the landlord intends to sell or otherwise dispose of it. During the time the landlord has possession, the tenant may redeem the property after paying the landlord for holding and preparing the property for sale and for any other outstanding debt, including rent. Any proceeds from the sale or other disposition of the property must be used to offset (1) reasonable costs to store the property and prepare it for sale or disposition, give notice, and sell or dispose of it; and (2) any amount the tenant owes the landlord. The landlord may retain any residual.

Table 1: Continued

Maine 14 §§ 6005 and 6013	Property that remains at a dwelling 48 hours after service of a writ of possession is deemed abandoned. If the property is unclaimed and valued at less than $ 750, the landlord must place it in storage. The landlord must send written notice, including an itemized list of the property and the landlord's intent to dispose of it, to the tenant's last known address. If the tenant claims the property within 14 days after the notice is sent, the landlord must continue to store it for at least an additional 10 days to allow the tenant time to take possession. The landlord may condition the release of the property on the tenant's payment of all rental arrearages, damages, and storage costs.

	If the property remains unclaimed on the 14th day after notice or 10 days after the tenant claims it, the landlord may sell the property for a reasonable fair market price and apply all proceeds to rental arrearages, damages, and costs of storage and sale. All remaining balances must be forwarded to the state treasurer. Abandoned tangible property valued at $ 750 or more must be reported to the state treasurer. If the treasurer refuses delivery and authorizes a landlord to sell it, he must sell it in a commercially reasonable manner. After the sale, the landlord may apply any sale proceeds to unpaid rent, damages to the premises, and the expenses of storage, notice and sale. The landlord must report any balance and the records of the sale to the state treasurer.
Maryland § 8-208	A lease may not contain any provision authorizing the landlord to take possession of the leased premises or the tenant's personal property unless the lease has been terminated and the tenant has abandoned the personal property.

Table 1: Continued

Massachusetts § 239-3 and -4	At least 48 hours before executing a writ of possession, the executing officer must give the tenant written notice of the specific date and time that he will physically remove his personal possessions. Among other things, the notice must state (1) the name, address, and telephone number of the storage warehouse and (2) that the warehouser may sell at auction any property that is unclaimed after 6 months and may the proceeds necessary to compensate him for any unpaid storage fees accrued as of the date of the auction. A defendant has the option of telling the officer where to store the property at any time before it is physically removed. The landlord must pay the removal fee, but he is entitled to reimbursement from the tenant. The warehouser has a lien on the property equal to the cost of storage. After the property has been stored for at least six months, the warehouser may enforce the lien by selling or otherwise disposing of the property. The defendant may postpone the sale or disposal of his property for three months upon payment of one half of all storage fees plus costs reasonably incurred in preparation for their sale.
Minnesota § 504B. 271	A landlord must store the personal property belonging to a tenant who abandons the premises. The landlord has a claim against the tenant for reasonable moving and storage costs. The landlord may sell or otherwise dispose of the property after 60 days and may apply a reasonable amount of the proceeds to the removal, care, and storage costs and expenses of any sale. He must pay any remaining proceeds to the tenant upon written demand. The landlord must make reasonable efforts to notify the tenant at least 14 days prior to the sale, by personal service or mail to the tenant's last known address or usual place of abode and by posting notice of the sale in a conspicuous place on the premises for at least two weeks.

Missouri § 441. 065	A landlord may remove or dispose of any property that remains in or at the premises after the tenant abandons it. The property is deemed abandoned if the: (1) landlord has a reasonable belief that the tenant has vacated the premises and intends not to return and posts written notice of abandonment on the premises and mails a copy of it to the tenant's last known address; (2) rent is due and has been unpaid for 30 days; and (3) tenant fails to either pay rent or respond in writing to the landlord's notice within 10 days. The notice must include a warning that the landlord may dispose of the property remaining on the premises unless the tenant contacts the landlord within 10 days and informs him that the property is not abandoned.

Table 1: Continued

Montana § 70-24-430	If a tenancy terminates and the landlord reasonably believes that the tenant has abandoned all personal property left on the premises, the landlord may inventory and store the property with a commercial storage company. The landlord must: (a) make a reasonable attempt to notify the tenant that he plans to move the property; (b) notify the local law enforcement office that he has the property; (c) make a reasonable effort to determine if the property is secured or otherwise encumbered; and (d) send a notice to the tenant's last-known address stating that at a specified time, not less than 15 days after mailing the notice, the property will be disposed of if not removed. After the 15 days, the landlord may sell, destroy, or otherwise dispose of the property. If, after receiving notice, the tenant informs the landlord that he intends to claim the property and does so within 7 days thereafter, the landlord is entitled to storage costs for the period that the property remains in safekeeping, plus the cost of removal of the property to the place of storage. If the property is sold, the landlord may deduct from the proceeds of the sale the reasonable costs of notice, storage, labor, and sale and any delinquent rent or damages owing on the premises and must remit the remainder to the tenant. If the tenant cannot after due diligence be found, the remaining proceeds must be deposited with the county treasurer for the county where the sale occurred.

Table 1: Continued

Nebraska §§ 69-2303 to -2314	When personal property remains on the premises after a tenancy has terminated or expired and the premises have been vacated by the tenant, the landlord must give written notice (1) describing the property in a manner reasonably adequate to permit the owner to identify it, and (2) informing the tenant that the property will be sold at a public sale or (3) informing the tenant that he believes the property is worth less than $ 250 and will be destroyed, sold, or otherwise disposed. The landlord must release the property if the tenant claims it prior to a sale and pays the reasonable costs of storage, advertising, and preparation for sale. The landlord must give notice of the time and place of the public sale by advertising it once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. If there is no such newspaper in the county, the landlord must post the advertisement for at least 10 days before the sale in at least six conspicuous places in the neighborhood of the proposed sale. After deducting the reasonable costs of storage, advertising, and sale, the landlord must remit to the state treasurer any residual that is not claimed by the tenant.
Nevada §§ 118A. 450 and . 460	If a landlord has notice that a tenant has abandoned leased premises, he may dispose of the tenant's personal property. In the absence of notice, a tenant is presumed to have abandoned premises if he is absent for a period of time equal to one-half the time for periodic rental payments, unless the rent is current or the tenant has in writing notified the landlord of an intended absence. The landlord may dispose of the abandoned property or property left on the premises after an eviction by storing it for 30 days, during which time the tenant may claim it after paying inventory, moving, and storage costs. After the 30 days, the landlord may dispose of the property and recover his costs if he has (1) made reasonable efforts to locate the tenant and (2) notified the tenant in writing of his intention to dispose of the property and 14 days have elapsed since the notice was given. The landlord must mail the notice to the tenant's present or last known address.
New Hampshire § 540-A: 3 (VII)	A landlord must maintain and exercise reasonable care in the storage of the personal property of a tenant who has vacated the premises, either voluntarily or by eviction, for a period of 28 days. During this period, the tenant can recover his property without paying rent or storage fees. After the 28 days, the landlord may dispose of the property without notice to the tenant.

Table 1: Continued

New Jersey §§ 2A: 18-72 to -82	If a landlord believes a tenant has abandoned personal property remaining in a dwelling unit, the landlord may dispose of it. Before the disposal, the landlord must notify the tenant that the property (1) is considered abandoned and that it will be stored for 30 days (33 days if the notice is mailed) and (2) will be sold at a public or private sale or disposed of or destroyed if believed to be of little value. The property is presumed abandoned if the tenant (1) responds to the notice within the 30 days (or 33 days, as appropriate) but does not claim the property or (2) does not respond to the notice.

	If the tenant claims the property, he must pay the landlord for removal and storage. After 30 days, the landlord may sell the property and deduct from the proceeds the reasonable costs of notice, storage, and sale, and any unpaid rent and charges not covered by a security deposit. After deducting these amounts, the landlord must give the tenant the difference. If the tenant cannot be found, the landlord must turn the remaining proceeds over to Superior Court.
North Carolina § 47-25. 9 and § 42-36. 2	After an eviction and notice specifying the date a sheriff will execute a writ of possession, a tenant has up to 10 days to contact the landlord and arrange to take possession of the property. During the 10 days, the landlord must store the property in a county warehouse. After 10 days (or five days if the property's value is less than $ 100), the landlord may dispose of or sell the property. If the landlord chooses to sell the property, he must give seven days notice in writing to the tenant, which may run concurrently with the 10-day period. The landlord may use sale proceeds to offset any remaining rent, damages, storage fees, and the cost of the sale. He must give any surplus to a tenant who asks for it or to the county where the property is located if no one asks. If the property is worth less than $ 500, the landlord may donate it to a nonprofit organization that agrees to store it for 30 days. The landlord must post a notice of the property's location at the vacated premises and mail the tenant a copy of it. The organization must release the property at no charge if the tenant comes to claim it within 30 days.
North Dakota § 47-16-30. 1	A landlord may dispose of property, without legal process, that is valued at less than $ 1,500 and left for more than 30 days after a writ of possession is executed. The landlord may recover his storage, moving, and sale expenses from either sale proceeds or the tenant's security deposit.

Table 1: Continued

Oklahoma § 41-130	When property is left on the premises after a tenant has been lawfully removed, the landlord may dispose of the property in any manner he chooses if he determines that it has no ascertainable value. If the landlord determines that the property has value, he must send the tenant notice at his last-known address of his intention to dispose of the property after 30 days property. During that period the landlord must store the property. If the tenant removes the property within the 30 days, he is liable to the landlord for removal and storage costs. If he does not, the landlord may dispose of it.
Oregon § 90. 425	When property is left on the premises after a tenant has been lawfully removed, the landlord must give the tenant written notice at his last-known address that the: (a) property is considered abandoned; (b) the tenant must contact the landlord within five days after personal delivery (or eight days after mailed notice) to arrange for removal; and (c) the property is being stored, including the storage location. If the tenant fails to contact the landlord by the specific date, or after that contact fails to remove the property within 15 days, the landlord may sell or dispose of the property. The landlord may deduct from any sale proceeds the reasonable or actual

	cost of notice, storage, and sale, and unpaid rent. The landlord must turn any residual over to the tenant.
South Dakota §§ 43-32-25 to 43-32-26	The landlord may dispose of any property valued at $ 100 or less that a tenant leaves in a dwelling unit for more than 10 days after he has vacated. The landlord must store property valued at over $ 100 for at least 30 days and place a lien on it cover storage and handling. After 30 days he may consider the property abandoned and dispose of it.
Tennessee § 66-28-405	Property remaining on premises is considered abandoned after (1) a tenant has been absent for at least 30 days without explanation or (2) at least 15 days have passed since the tenant was supposed to pay rent and it appears to the landlord that he has vacated the premises. Under the latter circumstance only, the landlord must notify the tenant of his intention to take possession of the property within 10 days unless he is contacted. If the tenant does not contact him, the landlord can remove tenant's belongings from the premises and store them for not less than 30 days. If during this time the tenant does not recover his possessions, the landlord can sell or otherwise dispose of the property. He can apply sale proceeds to any unpaid rent, damages, and storage fees.

Table 1: Continued

Texas § 24. 0061	A writ of possession must order the executing officer to post a written warning that the property subject to it, if not removed, will be placed at a nearby location that does not block a public sidewalk, passageway, or street. The executing officer or a bonded warehouseman may remove and store the property at no cost to himself or the landlord. The landlord is not required to store the property.
Utah § 78-36-12. 6	The landlord may move the property from the premises, store it and recover the costs of moving and storage from the tenant. The landlord must make reasonable efforts to notify the tenant about the location of the property. If in 30 days the tenant does not recover the property, the landlord may sell it and cover his expenses or donate the property.
Vermont 9 § 4462	If a tenant abandons his dwelling unit, the landlord must send him a written notice of his intent to dispose of any unclaimed property after 60 days. During this time the landlord must store the property in a safe place. After 60 days, the landlord owns the property and may dispose of it as he sees fit. If the tenant appears to claim the property, he must pay storage and other fees.
Washington §§ 59. 18. 310, 59. 18. 312	A landlord may store property remaining when a sheriff executes a writ of restitution unless the tenant objects to storage. If the tenant objects, the landlord may place the property on the nearest public property. If the landlord stores property valued at $ 50 or less, he must give the tenant notice that he intends to sell or dispose of it after seven days unless it is reclaimed. If the property is valued at over $ 50, the landlord must give the tenant notice that he intends to sell or dispose of it after 45 days unless it is reclaimed. The landlord must apply and sale proceeds to any outstanding debts the tenant owes the landlord, including rent and

	storage of the property. The tenant can claim any excess income from the sale for up to one year. After one year, the balance becomes the landlord's property.
West Virginia § 37-6-6	If a tenant abandons his property while he owes a landlord rent, the landlord must post a notice on the property requiring the tenant to pay the rent within 30 days. If the rent is not paid, the landlord may take, dispose of, or otherwise remove the property after notice. The notice must state that the property is considered abandoned and the landlord's intentions if it is not claimed within 30 days. After the 30 days, the landlord is the property owner and can dispose of it. If, however, the property is valued at $ 300 or more, the tenant may ask the landlord to store it for up to an additional 30 days so that he has time to claim it.

Table 1: Continued

Wisconsin § 704. 05(5)	If a tenant leaves property behind, the landlord can: • store it and place a lien on it for the cost of storage. The landlord must notify the tenant within 10 days after storage charges are imposed. Medicine and medical equipment must be promptly restored to the tenant and are not subject to the lien. • notify the tenant that the he intends to sell or otherwise dispose of the property unless it is claimed within 30 days. The landlord can deduct sale and storage costs from the sale proceeds. The tenant may claim any residual within 60 days after the sale; otherwise the landlord must send it to the Department of Administration. • store the property without a lien and return it to the tenant.
Wyoming § 1-21-1210	Once a lease is terminated, a landlord may immediately dispose of any remaining on the premises. Such property is presumed to be valueless and abandoned. The landlord must give the tenant notice that describes the property and states his intention to dispose of it after seven days. If the tenant informs the landlord to reclaim the property within the seven days, the landlord must hold it for an additional seven days. If the tenant does not claim it or does not respond to the notice, the property is conclusively deemed abandoned and the landlord may retain or dispose of it. The tenant is responsible to the landlord for reasonable removal and storage costs.

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