
HOUSING AUTHORITY OF THE CITY OF SEATTLE

MANUAL OF OPERATIONS

SUBJECT: Disposition of Resident's Personal Property Following Death

SCOPE: This policy and procedure shall apply to all housing units owned or managed by the Seattle Housing Authority (SHA), unless specifically noted.

POLICY:

In the event of the death of a resident, the Housing Authority will protect the interest of the deceased resident and their personal property, and comply with applicable laws. Unclaimed personal property remaining on the premises after the deceased resident's tenancy is terminated shall be deemed abandoned and shall be disposed of as provided in this policy.

No SHA employee may take personal possession of any of the property of a deceased resident under any circumstance, or authorize any other person to take possession of such property except as provided herein.

IMPLEMENTATION POLICY:

Accountability for Resident's property following Death

1. Settlement of the Estate

- a. The resident's tenancy shall terminate upon the resident's death in accordance with SHA's Dwelling Lease.
- b. Only persons authorized by the Examiner's Office, the courts, or the resident's written instructions shall be allowed to remove or arrange the removal of the deceased resident's personal property. If no authorized relative or individual claims the property, the Senior Property Manager or designee shall inventory, or arrange for the inventorying, of all items, and store the belongings in accordance with this policy.
- c. If a single-person household dies outside the unit he or she occupies, SHA staff shall, upon confirmation of the resident's death, contact the authorized representative to remove or arrange the removal of the deceased resident's personal property. SHA staff shall cooperate with the authorized representative in the orderly and timely removal of possessions. If no one is authorized to remove or arrange the removal of the deceased resident's personal property, or if the person authorized cannot be reached after reasonable efforts, the Senior Property Manager or designee shall follow the procedures for disposition of property described below.
- d. If there is a dispute regarding who is the authorized representative of the deceased resident's estate, the Senior Property Manager or designee shall advise all parties that SHA will store the resident's belongings, in accordance with this policy, until the dispute is resolved and SHA receives official documents designating a legal representative.

- e. If death occurs in the unit, but not in the presence of a physician, the Senior Property Manager or designee shall immediately notify the Seattle Police department and contact the King County Medical Examiner's Office (the "Examiner" or "Medical Examiner"). The Examiner will inspect the premises, determine the cause of death, take charge of the body, and notify survivors. The Examiner will also search the apartment for relevant evidence, a Will, the names of friends and relatives, and related information. The Senior Property Manager or designee shall record the names and affiliations of all officials responding to the report of an unattended death. The Senior Property Manager or designee shall leave the apartment undisturbed and refuse access to all persons except the police and the Medical Examiner.
- f. In the event anyone other than the Coroner or Medical Examiner's Office or the designated representative, is allowed to enter the unit, the Senior Property Manager or designee shall be present at all times to ensure that nothing is removed from the unit. Should the Senior Property Manager or designee authorize the removal of any item, the Senior Property Manager or designee shall require a receipt for any and all items removed.

2. Storage

- a. Any items that pose a health or safety hazard, such as food, infested or soiled items, contraband, and weapons, will NOT be stored and staff shall arrange for the disposal of such items.
- b. Storage shall be in a secure location that is safe from theft or weather damage. Storage may be on site or at a commercial storage facility. An inventory of the property shall be made as soon as possible by the Senior Property Manager or his or her designee and signed by at least two persons attesting that the inventory includes all property left in the unit. A copy of the inventory shall be placed in the resident's file.

3. Claiming of the Deceased Resident's Property:

- a. If an adult residing in the unit, whose name is on the lease, claims the decedent's personal property, the resident must provide proof of entitlement to the property claimed. If the property is released, the Senior Property Manager or designee shall obtain a written release and hold harmless agreement from the remaining resident.
- b. If an adult, whose name is not on the lease, represents him or herself to be an authorized representative to claim the decedent's property, the Senior Property Manager or designee shall obtain a copy of the document providing such person with authority over the property and a written release from the authorized representative discharging SHA from any liability arising from its release of the decedent's property. If the property has been placed in storage, payment of all storage and labor costs for the removal of the property from the unit and placement in storage, must be made before the property will be released.
- c. If no authorized representative claims the deceased resident's property, the Senior Property Manager or designee shall contact the Medical Examiner's office to assist in identifying the next of kin. Reasonable attempts shall be made contact the next of kin.

4. Disposal of the Deceased Resident's Property:

- a. If no authorized representative claims the deceased resident's property; if the Medical Examiner's office is unable to identify a next of kin; or if no contact with the next of kin can be made; the property shall be handled as follows:

- i. if the value of the property is less than \$5,000, the Senior Property Manager or designee, in consultation with the Office of the General Counsel, may:
 - a. donate the property to a charitable organization, or
 - b. dispose of the property.
 - ii. if the value of the property is equal to or greater than \$5,000, the Senior Property Manager or designee shall contact the Medical Examiner's office to determine the name of the person assigned to conduct probate proceedings for the estate.
- b. Except as provided in this policy, no SHA employee shall salvage, keep, use, give away or otherwise possess, or exercise control over any of a deceased resident property.
- c. Charitable Organizations:
- To be eligible to receive donations of deceased resident's property, charitable organizations must be approved as a charitable organization which uses material donations to support programs and services for low income persons in Seattle.

The charitable organization shall remove the donated items from SHA's premises as quickly as possible. The charitable organization shall provide all labor and shall have the capacity to receive such donations on short notice, i.e., 24 - 48 hours notice. SHA shall not provide temporary storage of donated items for any charitable organization, nor shall a charitable organization store the donated items on SHA property.

RESPONSIBILITY:

The Director of Housing Operations shall be responsible for administration of this policy. The Senior Property Manager, or designee, shall have the day-to-day responsibility for implementing this policy and carrying out the following procedures.

PROCEDURE:

1. Leasing / Recertification

At the time of leasing or recertification, the Senior Property Manager or designee shall request the name of the executor, trustee, or relative to be contacted in an emergency or in the event of death. If no such person is named, a written and signed instruction regarding disposition of resident's belongings in the event of death using the SHA Emergency Reference Information Form, SHA-812 shall be obtained. The Senior Property Manager or designee shall explain to the resident that the Emergency Reference Information Form is not a "Will." (Note: Be certain that adult residents sign the release on the Emergency Reference Information Form. This will allow SHA to provide emergency contact information to the police or Medical Examiner, if needed.)

A plan for a relative or other person to act on behalf of the resident in the case of an emergency or death shall be prepared. In addition to unexpected death, this named person(s) must be able to act on behalf of the resident should he or she become unable to act on his/her own behalf, if for example, the resident is required to move to a hospital or nursing home.

The Emergency Reference Information Form shall be kept in the resident's file and updated yearly.

2. Notice Procedures

If death occurs in the unit, the Senior Property Manager or designee shall immediately notify the Seattle Police Department. The Senior Property Manager or designee shall leave the unit undisturbed and refuse access to all persons except other residents of the unit, the police and the Medical Examiner.

If there are no other residents in the unit, the Senior Property Manager or designee shall also request an emergency lock change and post the unit, directing any persons wishing access to the unit to contact the management office. If family members arrive, staff shall deny access and advise them that they must wait until the police or the Medical Examiner arrive.

The Senior Property Manager or designee shall record the identification of every official responding to the report of a death in a unit. Staff shall notify the Senior Property Manager or designee of any death in a unit, and complete a Critical Incident Report, SHA-1106.

After the unit is vacated, maintenance shall be advised of the condition of the unit as a result of the death in the unit.

The Seattle Police will determine whether to contact the King County Medical Examiner's Office. The Medical Examiner's Office will then decide if it has jurisdiction over the death. Any available information concerning family members and known health care providers from the Emergency Reference Information Form, SHA-812 shall be provided to the police and Medical Examiner. When the Examiner's Office determines that it has jurisdiction, it will respond to the scene, the responding Police Officer may leave the body in the custody of next-of-kin until the Examiner arrives. In such cases, SHA staff shall remain at the scene until the Examiner arrives. The Examiner will examine the premises, determine the cause of death, take charge of the body, and notify survivors. In this process the Examiner will search the apartment for relevant evidence, a will,

the names of relatives and friends, and other relevant information. SHA staff shall be present at all times during the search to assure preservation of the deceased resident's property. The Senior Property Manager or designee shall not allow anyone to remove anything from the unit except those who have legal authorization to do so. The Senior Property Manager or designee shall receive a written receipt for anything removed from the deceased resident's unit.

When the Examiner's Office determines the death to be outside its jurisdiction, it will issue a No Jurisdiction Assumed (NJA) number. The Senior Property Manager or designee shall record this number in the resident's file. If no next-of-kin or authorized representative makes arrangements for disposal of the body, the Medical Examiner's Office will do so under the Indigent Remains Program. If the Examiner has issued a NJA decision and next-of-kin have taken responsibility for the body, the Senior Property Manager or designee shall provide the next-of-kin with the NJA number so they may include it on the death certificate and provide it to the funeral home.

3. Disposition of Deceased Tenant's Personal Property

When there is an authorized representative:

- a. If an executor, trustee, or other person authorized to remove or arrange the removal of the deceased resident's personal property is known, the Senior Property Manager or designee shall contact the named person and shall cooperate with them in the orderly and timely removal of possessions. In any case, where a person is authorized to dispose of the estate, the Senior Property Manager or designee shall first obtain authorization from the Examiner's Office, or a copy of the document giving authority to such person before allowing them access to the property. Authorization from the Examiner's Office may be given verbally, with staff documenting the name, title, and phone number of the Coroner giving the authorization. Any document providing authority to dispose of the estate shall be retained as part of the resident's file.
- b. When a person authorized to take possession seeks to have the property stored, the Senior Property Manager or designee shall require them to move the property and arrange for its storage at their expense.
- c. When a person authorized to take possession comes forward after the property has been moved into storage, the Senior Property Manager or designee shall inform the person about the existing storage and require the person to either take the property or assume the storage contract. Prior to receiving the property in storage, the person must pay for the full cost of storage incurred by the Housing Authority.
- d. At the time the relative or authorized person turns in the key to vacate the unit, staff shall ask if any personal property is left. If personal property is being left in the unit, staff shall have the relative or authorized person sign a Disclaimer of Interest in Decedent's Tenant's Property (SHA-633), disclaiming their interest in any property remaining in the unit.
- e. No SHA staff shall agree to give away any property left on behalf of the deceased resident or family to other residents, organizations, or resident council, even with a written direction of the deceased resident or family member. All property that is to be given away must be done by an authorized person prior to turning in the key to vacate the unit.

When there is no authorized representative:

If there is no authorized relative or other individual to claim the decedent's property and no alternative directive, the Senior Property Manager or designee shall:

a. Inventory

An inventory of all items in the unit shall be prepared, and items in the unit shall be prepared for storage, if necessary.

b. Storage

Any items that pose a health or safety hazard, such as food, infested or soiled items, contraband, and weapons, shall NOT be stored and staff shall direct such items to be discarded. Staff shall contact the police department to receive any contraband or weapons found within the unit. Staff members shall seek guidance from their supervisors on how to safely store the contraband and or weapon(s) until it can be picked up by the police or delivered to the police precinct.

Any personal property will be stored in accordance with SHA's Abandoned Property policy. Senior Property Manager or his or her designee shall, on the **SHA-840, "Personal Property Inventory,"** keep an inventory of all property to be stored, all property to be discarded, and shall be attached to the Resident's Apartment Inventory and Inspection Record form.

Storage may be on site or at a commercial storage warehouse. Management shall work with maintenance on the storage of the property if on site.

If no space is available on site, management may, in accordance with SHA's procurement policy, contact a local commercial storage warehouse that provides "door to door" service to store the property. Management shall coordinate with maintenance to move the property to the storage area.

Management shall mail a Notice to the resident's last known address providing the address of the storage location, instructions for claiming the belongings, providing a method for approving disposition of the property, stating the time that SHA will store the property and explaining what will happen to the property if is not claimed.

If there is no reply after 45 days, the Senior Property Manager or designee shall dispose of the property.

c. Disposal of the deceased's property

If, after the property has been stored for at least 45 days, and no authorized person comes forward to claim the property, and there is no Will, and no named beneficiaries can be located, and if the property is worth:

(1) Under \$5,000

the Senior Property Manager or designee shall:

- a) Donate the property to a charitable organization, or
- b) Dispose of the property.

(2) Over \$5,000

the Senior Property Manager or designee shall notify the Office of the General Counsel and contact the Medical Examiner's office to determine the name of the person assigned to conduct probate proceedings for the estate. The Office of the General Counsel and the Senior Property Manager or designee shall then work in cooperation with said person to arrange for storage and disposition of the decedent's estate.

d. Charitable Organizations

At the discretion of the Senior Property Manager or designee, an approved charitable organization may be contacted regarding the unclaimed property. Arrangements shall be made with the charitable organization(s) to pick up the unclaimed property or accept delivery of the property from SHA.

The Senior Property Manager shall arrange for pick up or delivery of the property as soon as possible to minimize the impact on the vacated unit.

e. Disposal

For property to be discarded, a work order shall be entered for maintenance. The Senior Property Manager or designee shall document the disposition of all stored property on the original **SHA-840, "Personal Property Inventory,"** in the resident's file, including all costs, and attach it to the Resident's Apartment Inventory and Inspection Record form.

Other than as outlined above, under no circumstances shall any SHA employee keep, use, give away, salvage, or otherwise take possession of or exercise control over any property left by a decedent.

f. Claiming the property

Requests to claim the property shall be referred to the Senior Property Manager or Property Manager. An appointment to claim the property must be scheduled with the Senior Property Manager or Property Manager for a time agreed upon by both parties.

Payment in full of all storage and labor costs for the removal of abandoned property from the unit and placement in storage, must be made before property will be released.

After the property has been claimed or disposed of, management shall enter the total storage cost on the resident's account using Bill Code 0017 Storage Fee.