

## Frequently asked questions (FAQ) re: Implementation of HB 2057

**Q. In the webinar, there is a reference to a \$2,000 cap. Where is that in the RCWs? Can city code trump the \$2,000 cap?**

**A.** The reference to the \$2,000 cap is in RCW 35A.21.405 and RCW 35.21.955. Cities also use RCW 35.80 to address unfit dwellings; this has an unlimited first-priority lien but arguably does not cover all nuisance properties. Counties have an unlimited first-priority lien (RCW 36.32.120(10)). Additionally, the removal of vehicles is controlled under RCW 46.55.240. Recommendation: find out which RCW your city code relies on as you implement **HB 2057**. City code does not trump state law.

**Q. Will properties that are in the foreclosure process not obtain updated notices of default or notices of trustee sale?**

**A.** Unfortunately, no. There will be an “implementation period” prior to all properties that are mid-foreclosure having updated documents.

**Q. How do you identify if a property is mid-foreclosure?**

**A.** The city will need to secure a copy of either the notice of default or the notice of trustee sale. The notice of default is often posted on the door of the home (once code enforcement sees it, take a photo of it) or can be provided by the mortgage servicer). The notice of trustee sale will be recorded with the county.

**Q. Can local law enforcement be used to remove squatters on the day the affidavit is issued, allowing the mortgage servicer to access and secure the home?**

**A.** Yes. The city and mortgage servicer can work together to remove squatters and then issue the affidavit allowing the mortgage servicers to access the home. One kink is that if the squatters return to the property and regain access to the home, then the property would be considered “occupied” and the process would need to repeat itself. This is an area where **HB 2057** could be improved in future years.

Here is a link to a piece of legislation that was passed into law in 2017 and may be helpful in dealing with squatters:

[lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/5388-S.SL.pdf](http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/5388-S.SL.pdf)

**Q. What happens if the city does not respond to a mortgage servicer-initiated process within 15 days?**

**A.** Technically, the city is in violation of the law. However, there are no penalties provided for in **HB 2057**.

**Q. Is there funding available to cities to conduct nuisance abatements and otherwise address “zombie homes”?**

**A.** One of the benefits of **HB 2057** is that it increases the ability of cities to recover costs of conducting nuisance abatements via an increased lien authority. However, that means the city must first front the costs of conducting the nuisance abatement. Not all cities have that funding, and there are currently no grant programs available. A related loan program is the recently established low-income home rehabilitation revolving loan program. Information available here: [www.commerce.wa.gov/energy-blog/low-income-home-rehabilitation-revolving-loan-program/](http://www.commerce.wa.gov/energy-blog/low-income-home-rehabilitation-revolving-loan-program/)

**Q. It may be helpful if the servicer would notify the jurisdiction and the jurisdiction would have staff to respond to the site WITH the servicer to observe if the house is occupied or not. That would prevent the servicers from claiming the house is occupied when in fact it is not.**

**A.** Nothing within **HB 2057** precludes this type of collaboration. In fact, the negotiators of **HB 2057** are hopeful that the provisions of the bill will increase communication channels and collaboration between cities, mortgage servicers, and financial institutions.

**Q. How can I continue to provide feedback on the implementation on HB 2057 and future amendments?**

**A.** Send your email address to [bmurray@gth-gov.com](mailto:bmurray@gth-gov.com) and ask to be added to the “abandoned homes” distribution list. Briahna will provide updates and venues for additional discussion regarding the implementation of **HB 2057**, and future legislation on the topic.