

Identifying, Towing, & Impounding Vehicle Residences: An Assessment And Recommendations Post *City Of Seattle V. Long*



WSU EXTENSION
**Division of Governmental
Studies and Services**



Brief Background

- *City of Seattle v. Long*
 - Vehicles occupied as primary residences constitute "homesteads" are protected from auction to collect on impound debts
 - Courts must assess individuals "ability to pay" impound fees/fines
- Workgroup
 - Diverse group of community stakeholders

Recommendations

- Adopt Criteria to Identify Vehicle Residences
 - Look for a *minimum* of 3 Vehicle Residence Identification Criteria (VRIC)
 - Consider provision of voluntary vehicle resident ID stickers
- Authorize Additional Parties to Redeem Vehicle Residences
 - Allow “persons authorized by a court” during impound hearings to redeem vehicle residences to help vehicle residents regain access to their homes
 - Tow operators should give written notice of right to impound hearing to *anyone* who attempts to redeem vehicle

Recommendations

- Modify Impound Hearings and Timelines
 - Create expedited timeline for a requested hearing when a vehicle residence is impounded (and remains so)
 - Allow courts to consider late requests for hearings
 - Allow courts to postpone hearings for vehicle residents that need additional time to establish legal ownership of their vehicle
 - Increase accessibility of impound hearing request forms
 - Encourage courts to waive hearing fees for financial hardship

Recommendations

- Modify public auction procedures and timelines
 - Require additional time—60 days—before vehicle residence can be considered “abandoned” and auctioned
 - Examine consistency with Homestead Act requirements
- Adopt factors for courts to assess “ability to pay”
 - Rely on precedent set by *Washington v. Blazina* (2015)

Recommendations

- Reimbursing tow operators when fees are “excessive”
 - Municipalities should reimburse tow operators
 - Statewide fund should be made available to assist municipalities
 - Abandoned RV disposal fund
 - Amount reimbursed should be limited to tow operators’ actual costs for service provided

Recommendations

- Additional policy considerations
 - 46.55 RCW should indicate that courts can release personal belongings
 - Counties and municipalities should expand long-term and short-term parking options
 - Avoid “poverty tows” for vehicle residences



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