

Bond Case Briefs

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LIENS - WASHINGTON

City of Seattle v. Long

Court of Appeals of Washington, Division 1 - May 4, 2020 - P.3d - 2020 WL 2112353

Truck owner, whose truck had served as his home, appealed from Municipal Court order that required him to pay impoundment charges and administrative fees and to set up a payment plan that required him to pay \$50 per month under threat of a forced sale.

The Superior Court affirmed in part and reversed part. City petitioned for discretionary review, and truck owner cross-petitioned.

The Court of Appeals held that:

- Truck owner was not required to file a declaration of homestead for the Homestead Act to protect his truck;
- In a matter of first impression, a lien that resulted from the impoundment of truck did not attach to the vehicle in violation of the Homestead Act;
- City violated the Homestead Act by withholding truck from owner under threat to forcibly sell it unless he agreed to pay fees associated with truck's impoundment;
- Impoundment of truck and requiring owner to pay the associated fees was not a disproportionate punishment for a parking violation, and thus, did not constitute excessive punishment under the Eighth Amendment;
- The state-created danger doctrine did not apply to provide truck owner relief from city's impoundment of his truck on due process grounds; and
- Truck owner failed to make a plausible showing that impounding officer's failure to consider whether impoundment was reasonable under owner's individual circumstances, or whether reasonable alternatives existed to impoundment, had practical and identifiable consequences, as required to state a claim under State Constitution's private affairs guarantee.