
SENATE BILL 5741

State of Washington

69th Legislature

2025 Regular Session

By Senators Alvarado and Bateman

1 AN ACT Relating to addressing court capacity for unlawful
2 detainer actions by authorizing superior courts to appoint housing
3 court commissioners; adding new sections to chapter 59.18 RCW; adding
4 a new section to chapter 59.20 RCW; creating a new section; and
5 declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that nearly 40
8 percent of Washington households are renter households. Washington is
9 one of the most expensive rental markets in the country. Rent
10 increases are outpacing incomes, disproportionately impacting:
11 Seniors; Black, indigenous, and people of color households; and
12 families with children, and are a significant cause of homelessness.
13 As of November 2024, Washington was experiencing the highest eviction
14 filing count on record, with 23,000 filings and with nine counties
15 already breaking records, including Clark, Grant, Jefferson, King,
16 Klickitat, Okanogan, Spokane, Thurston, and Whitman. Seven additional
17 counties were also on track to break records in 2024, including
18 Asotin, Columbia, Douglas, Kittitas, Pend Oreille, Skagit and Walla
19 Walla.

1 A significant surge in unlawful detainer filings has contributed
2 to delays in court proceedings and case resolutions, creating
3 additional burdens for both landlords and tenants.

4 The legislature further finds that the right to counsel program
5 in eviction proceedings provides a vital safety net for low-income
6 renters, providing access to attorneys to ensure procedural fairness
7 in court and significantly reducing the risk of housing loss and
8 evictions into homelessness. Since January 2022, every tenant
9 screened and found eligible has been assigned an attorney through an
10 eviction defense provider contracted by the office of civil legal
11 aid. Of the clients served, 39 percent had a disability and 45
12 percent were Black, indigenous, and people of color.

13 It is the intent of the legislature to address delays in court
14 proceedings by authorizing superior courts, with the consent of the
15 county legislative authority, to appoint well-trained and unbiased
16 court commissioners who can hear unlawful detainer cases.

17 The legislature respectfully requests that superior courts
18 continue to closely coordinate their dockets with right to counsel
19 assignments for eligible defendants in unlawful detainer cases, and
20 encourages the courts to give consideration to the availability of
21 right to counsel attorneys when expanding their dockets.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.18
23 RCW to read as follows:

24 (1) Except as provided in subsection (2) of this section, in each
25 county the superior court may appoint the following persons to assist
26 the superior court in disposing of its business related to unlawful
27 detainer actions for residential tenancies covered by this chapter
28 and chapter 59.20 RCW:

29 (a) One or more attorneys to act as housing court commissioners;
30 and

31 (b) Such investigators, stenographers, and clerks as the court
32 finds necessary to carry on the work of the housing court
33 commissioners.

34 (2) The position of a housing court commissioner may not be
35 created without prior consent of the county legislative authority.

36 (3) The appointments provided for in this section are made by a
37 majority vote of the judges of the superior court of the county and
38 may be in addition to all other appointments of commissioners and
39 other judicial attaches otherwise authorized by law.

1 (4) The appointments may be full-time or part-time positions. A
2 person appointed as a housing court commissioner may also be
3 appointed to any other commissioner position authorized by law.

4 (5) Housing court commissioners and investigators serve at the
5 pleasure of the judges appointing them and receive such compensation
6 as the county legislative authority shall determine.

7 (6) A person appointed as a housing court commissioner shall
8 comply with the fairness and impartiality standards established in
9 RCW 3.34.110.

10 (7)(a) A person appointed as a housing court commissioner must
11 receive training as soon as reasonably practicable from the
12 administrative office of the courts on the following topics:

13 (i) The residential landlord-tenant act, this chapter;

14 (ii) The manufactured/mobile home landlord-tenant act, chapter
15 59.20 RCW;

16 (iii) Show cause hearing processes in the context of evictions
17 and unlawful detainer actions; and

18 (iv) Unlawful detainer procedures, chapter 59.16 RCW.

19 (b) The administrative office of the courts may coordinate with
20 the office of civil legal aid to develop and deliver the training
21 described in (a) of this subsection.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 59.18
23 RCW to read as follows:

24 (1) By majority vote, the judges of the superior court of the
25 county may authorize housing court commissioners appointed pursuant
26 to section 2 of this act to perform any and all of the following
27 duties in an unlawful detainer action under this chapter:

28 (a) Receive all applications, petitions, and proceedings filed in
29 the superior court related to unlawful detainer actions for
30 residential tenancies covered by this chapter;

31 (b) Order investigation and reporting of facts upon which to base
32 warrants, subpoenas, orders, or directions in actions or proceedings
33 related to unlawful detainer actions for residential tenancies
34 covered by this chapter;

35 (c) For the purpose of this chapter, exercise all powers and
36 perform all the duties of a court commissioner appointed pursuant to
37 RCW 2.24.010(1);

38 (d) Hold hearings in proceedings related to unlawful detainer
39 cases for residential tenancies covered by this chapter and make

1 written reports of all such proceedings, which shall become a part of
2 the record of the superior court;

3 (e) Provide such supervision in connection with the exercise of
4 its jurisdiction as may be ordered by the presiding judge; and

5 (f) Cause the orders and findings to be entered in the same
6 manner as orders and findings are entered in cases in the superior
7 court.

8 (2) All acts and proceedings of a housing court commissioner are
9 subject to revision by the superior court as provided in RCW
10 2.24.050.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.20
12 RCW to read as follows:

13 (1) By majority vote, the judges of the superior court of the
14 county may authorize housing court commissioners appointed pursuant
15 to section 2 of this act to perform any and all of the following
16 duties in an unlawful detainer action under this chapter:

17 (a) Receive all applications, petitions, and proceedings filed in
18 the superior court related to unlawful detainer actions for
19 residential tenancies covered by this chapter;

20 (b) Order investigation and reporting of facts upon which to base
21 warrants, subpoenas, orders, or directions in actions or proceedings
22 related to unlawful detainer actions for residential tenancies
23 covered by this chapter;

24 (c) For the purpose of this chapter, exercise all powers and
25 perform all the duties of a court commissioner appointed pursuant to
26 RCW 2.24.010(1);

27 (d) Hold hearings in proceedings related to unlawful detainer
28 cases for residential tenancies covered by this chapter and make
29 written reports of all such proceedings, which shall become a part of
30 the record of the superior court;

31 (e) Provide such supervision in connection with the exercise of
32 its jurisdiction as may be ordered by the presiding judge; and

33 (f) Cause the orders and findings to be entered in the same
34 manner as orders and findings are entered in cases in the superior
35 court.

36 (2) All acts and proceedings of a housing court commissioner are
37 subject to revision by the superior court as provided in RCW
38 2.24.050.

1 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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