

SENATE BILL REPORT

SB 6210

As of January 26, 2024

Title: An act relating to unlawful detainer actions.

Brief Description: Concerning unlawful detainer actions.

Sponsors: Senator Mullet.

Brief History:

Committee Activity: Housing: 1/26/24.

Brief Summary of Bill

- Creates a grant program to be administered by the Department of Commerce in collaboration with the Office of Civil Legal Aid to allow superior courts to appoint more commissioners.
- Modifies provisions relating to show cause hearings.

SENATE COMMITTEE ON HOUSING

Staff: Samantha Doyle (786-7335)

Background: Residential Landlord-Tenant Act. The Residential Landlord-Tenant Act (RLTA) governs the relationship and agreements between residential landlords and tenants. These regulations include provisions regarding the rights and duties of both landlords and tenants. The RLTA further establishes the procedures for enforcement and remedies for violations. These procedures include how and when tenancy expires or may be ended. The RLTA dictates that district or superior courts have jurisdiction over claims arising under the act.

Forcible Entry or Unlawful Detainer Actions. After a default in payment of rent by a tenant, landlords after providing proper notice may seek to evict a tenant through an unlawful

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detainer action. At a hearing of the plaintiff landlord's motion for a writ of restitution, the defendant tenant, or occupant claiming possession of the property, may answer in writing or orally.

For forcible entry or unlawful detainer actions, the superior court of the county in which the property sits has jurisdiction. Due to the COVID-19 pandemic, there was an eviction moratorium and extension from March 18, 2020 to October 31, 2021.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): A grant program is created and administered by the Department of Commerce in collaboration with OCLA to assist eligible counties to add one or more court commissioners to oversee factions arising out of the RLTA or forcible entry or unlawful detainer actions. Counties with populations greater than 527,000 according to 2023 estimates prepared by the Office of Financial Management are eligible. No county with a population under 2 million may receive more than \$750,000.

A defendant tenant must answer in writing prior to a hearing on a motion for a writ of restitution.

Appropriation: The bill contains an appropriation totaling \$5,250,000 from the general fund.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony On Proposed Substitute: PRO: My husband and I own one condo unit and chose to rent it out and rent ourselves to save money. Unfortunately, we ended up with a tenant who is an experienced con artist who is dragging out our court case for months. We have not been afforded a right to timely justice and we do not have the financial buffer of over \$30,000 to afford this risk. More commissioners will allow for more court dates and assist both petitioners and tenants. I am dealing with a tenant that has not left my home since 2022. This is creating a strain on my family in order to cover the costs that my tenant is paying. I am paying for both his and my kids who go to the same school. It has been 18 months, please support this bill and clear the back log of cases. I am a homeowner who has a tenant who has been occupying my only home rent free since spring of last year. This has caused me to have to couch surf and spend thousands on attorneys fees. The tenant appeared to come intentionally unprepared a got a continuance when he was assigned a court ordered attorney. My wife and I are unhoused landlords due to a tenant that has a higher income than my wife and I. We have to wait 8 months for our hearing and are couch surfing in the meantime. Our tenant refuses to negotiate or go to

mediation. The system in Washington isn't working.

As an attorney, evictions are a lose for tenants, a lose for landlords, and a lose for society. I support speeding up the process because drawing out these cases drives tenants into more debt and the right to counsel adds to this delay to even try and settle. As a landlord I feel more pressure to file my unlawful detainer action instead of working with my tenants because of my fear that I need to get a case into the court que. We have found that once we file these actions against tenants they stop paying rent all together until the case is settled and anything that we can do to shorten this time is appreciated. It seems like every tenant is accepted by NWJ Project and that they are not screening them properly for income qualification. We have had recent issues with drug use, dealing, and vandalism at our properties. These delays present a major safety issue for tenants and staff.

The courts need additional resources to meet recent demands. Our jurisdiction has seen an increase of over 2600 cases over the last two years and it has impacted commissioners case loads. We recognize that this backlog was caused by necessary measures taken due to the pandemic. However, this has caused a strain on the justice system and this bill would provide relief. We have worked with the Office of Civil Legal Aid and support additional proposed changes. We are also dedicated to the education and training of our commissioners.

CON: With the up-coming changes we can support the bill so long as changes to section 4 allow for defendants to respond orally at initial show cause hearings. Sometimes defendant tenants are only given 7 days notice to appear at such hearings and if they have the right to counsel, this is often not enough time to screen and intake a client in order to get an attorney on the case and able to be present at this first hearing.

OTHER: Having heard the Senator's remarks about changes to section 4, we could potentially not oppose this bill. However, we still caution any increases to speed of these proceedings. Our county has not experienced the same backlog of cases and we are often scrambling to manage our current case load and get to newly appointed clients in time for show cause hearings. Often representation begins after these hearings have taken place.

Persons Testifying: PRO: Senator Mark Mullet, Prime Sponsor; Jeffrey Wright, Small Landlord; Patricia Hoendermis, Yakima Valley Landlords Assoc.; Derek Vanderwood, Clark County Superior Court; Yugala Priti Wright; Brett Waller, General Counsel, Devco Residential Group; Suzanne Koval, Senior Asset Manager, GMD Development; Judge Ketu Shah, Superior Court Judges' Association; Judge Alicia Burton, Superior Court Judges' Association; Judge Timothy Fennessy, Superior Court Judges' Association; Jason Roth, Rental Housing Assn Coalition; Jimmy Singh, Rental Housing Assn Coalition; Kaitlyn Jackson, Williams Kastner & gibbs; Sharon Cunningham; Constance Nelson.

CON: Edmund Witter, King County Bar Association.

OTHER: Matt Taylor, Northwest Justice Project.

Persons Signed In To Testify But Not Testifying: No one.