

HOUSE BILL REPORT

HB 1621

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to addressing court capacity for unlawful detainer actions by authorizing superior courts to appoint housing court commissioners.

Brief Description: Authorizing superior courts to appoint housing court commissioners.

Sponsors: Representatives Macri, Taylor, Peterson, Ramel, Ormsby and Hill.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/29/25, 2/7/25 [DPS].

Brief Summary of Substitute Bill

- Authorizes superior courts to appoint housing court commissioners for unlawful detainer actions.
- Specifies the limited powers of housing court commissioners.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Taylor, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Abell, Assistant Ranking Minority Member; Burnett, Entenman, Goodman, Graham, Jacobsen, Peterson, Salahuddin, Thai and Walen.

Staff: Eric Lopez (786-7290) and Yelena Baker (786-7301).

Background:

Article IV, section 23 of the Washington Constitution authorizes the superior courts to appoint up to three court commissioners in each county. Court commissioners have the

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power to perform all the duties of a superior court judge that do not require a trial by jury, and other duties provided by law to aid in the administration of justice.

The Legislature has authorized superior courts to appoint additional commissioners, including specialized mental health commissioners and criminal commissioners. These statutorily authorized commissioners are limited to the authority that they are expressly granted in statute.

All acts and proceedings of court commissioners are subject to revision by a superior court judge upon motion by a party.

Summary of Substitute Bill:

Superior courts in every county may appoint one or more attorneys to act as full- or part-time housing court commissioners to assist the court with unlawful detainer actions. The position of a housing court commissioner may not be created without prior consent of the county legislative authority. Superior courts are also authorized to appoint such investigators, stenographers, and clerks as the court finds necessary to carry on the work of the housing court commissioners.

The appointments are made by majority vote of the county's superior court judges. Housing court commissioners may also be appointed to any other commissioner position allowed by law.

A person appointed as a housing court commissioner must comply with the fairness and impartiality standards which prohibit presiding in an action to which the judicial officer is a party or in which the judicial officer is directly interested, or when the judicial officer or one of the parties believes that the parties cannot have an impartial hearing before the judicial office.

A person appointed as a housing court commissioner must also receive training from the Administrative Office of the Courts on the Residential Landlord-Tenant Act, the Manufactured/Mobile Home Landlord-Tenant Act, hearing processes in the context of evictions and unlawful detainer actions, and unlawful detainer procedures.

The judges of the superior court may authorize housing court commissioners to perform specified duties in relation to unlawful detainer actions, including:

- receiving all applications, petitions, and proceedings filed in the superior court related to unlawful detainer actions for residential tenancies;
- ordering investigations and reports to support warrants, subpoenas, or orders;
- holding hearings and preparing written reports for inclusion in the superior court record;
- providing supervision as directed by the presiding judge; and

- ensuring orders and findings are entered in the same manner as those in superior court cases.

All acts and proceedings of a housing court commissioner are subject to revision by the superior court.

Substitute Bill Compared to Original Bill:

The substitute bill adds an emergency clause with an immediate effective date.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) The bill was created in response to input from judges and courts around the state that have experienced capacity challenges, especially relating to unlawful detainer cases. There has been a large backlog of civil cases from COVID-19 and dramatic increases of unlawful detainer actions which have resulted in long delays in case resolution. Creating these commissioners will help with the workload that judges are experiencing and will afford parties a more timely day in court. The Legislature has authorized similar types of commissioners in other areas.

The creation of these commissioners will cost the state nothing as they would be funded by the counties. Requiring the approval by the local funding authority gives local control to communities that may not have the same capacity issues. The time delays in detainer actions take away from other dockets, so these statutory commissioners will help reduce that time delay.

(Opposed) None.

Persons Testifying: Representative Nicole Macri, prime sponsor; Judge Ketu Shah, King County Superior Court; Judge Sean O'Donnell, Superior Court Judges' Association; and Judge Shelley Szambelan, Spokane County Superior Court/ Superior Court Judges' Association.

Persons Signed In To Testify But Not Testifying: Susan Adams, Pierce County Superior Court; and David Freeman, Whatcom County Superior Court.