

# SENATE BILL REPORT

## SB 5741

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As of February 19, 2025

**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:** Senators Alvarado, Bateman, Nobles and Pedersen.

**Brief History:**

**Committee Activity:** Housing: 2/19/25.

**Brief Summary of Bill**

- Authorizes superior courts to appoint housing court commissioners for unlawful detainer actions and specifies the limits of their powers.

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### SENATE COMMITTEE ON HOUSING

**Staff:** Bill Fosbre (786-7531)

**Background:** Court Commissioners. Article IV, section 23 of the Washington State Constitution authorizes superior courts to appoint up to three court commissioners in each county. Court commissioners have the 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 with limited powers, including specialized mental health commissioners and criminal commissioners. These statutorily authorized commissioners are limited to the authority expressly granted in statute.

All acts and proceedings of court commissioners are subject to revision by a superior court

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

judge upon motion by a party.

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 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 unlawful detainer actions, the superior court of the county in which the property sits has jurisdiction.

**Summary of 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 prohibits presiding in an action the housing court commissioner is a party to, is directly interested, or when the housing court commissioner or one of the parties believes that the parties cannot have an impartial hearing or trial.

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.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: All benefit from having a high-functioning court system. Judges and courts have said that they are experiencing capacity challenges. In 2024, many counties in Washington broke their record for eviction filings. There is a large backlog in some communities due to the dramatic increases of unlawful detainer actions, which have resulted in delays in case resolution.

This bill will allow courts to create more commissioners that will help with the courts workload and give parties a timelier day in court.

Non-payment of rent and life safety cases are taking anywhere from 6 to 18 months.

Delay in getting a court resolution negatively impacts residents because when the eviction process is delayed for nonpayment of rent, the rent balance will continue to grow and will not allow time for community partners to assist with rent assistance.

This bill requires the approval of the local funding authority, because different communities have different capacity issues, this a balanced approach to make our courts function better.

**Persons Testifying:** PRO: Senator Emily Alvarado, Prime Sponsor; Carter Nelson, Washington Multifamily Housing Association; Audrey Riddle.

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