
SENATE BILL 6210

State of Washington

68th Legislature

2024 Regular Session

By Senator Mullet

1 AN ACT Relating to unlawful detainer actions; amending RCW
2 59.12.050, 59.18.050, 59.18.380, and 59.18.640; creating a new
3 section; and making an appropriation.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that legislative and
6 gubernatorial pandemic responses to landlord-tenant relationships
7 have caused a significant backlog of court cases. The legislature
8 also finds that substantial legislative overhauls to civic protection
9 orders and the uniform guardianship act have contributed to this
10 backlog, causing an immense burden on the courts. The legislature
11 intends to address this burden by improving the unlawful detainer
12 process and providing additional resources to implement these
13 statutory mandates successfully and consistently.

14 **Sec. 2.** RCW 59.12.050 and 1891 c 96 s 6 are each amended to read
15 as follows:

16 (1) The superior court of the county in which the property or
17 some part of it is situated shall have jurisdiction of proceedings
18 under this chapter.

19 (2) In each county, the superior court may appoint one or more
20 attorneys to act as commissioners pursuant to this chapter to

1 exercise all powers and perform all duties of a court commissioner
2 appointed pursuant to RCW 2.24.010. A person appointed under this
3 chapter as a court commissioner may also be appointed to any other
4 commissioner position authorized by law. The county legislative
5 authority must approve the creation of court commissioner positions
6 pursuant to this chapter.

7 **Sec. 3.** RCW 59.18.050 and 1973 1st ex.s. c 207 s 5 are each
8 amended to read as follows:

9 (1) The district or superior courts of this state may exercise
10 jurisdiction over any landlord or tenant with respect to any conduct
11 in this state governed by this chapter or with respect to any claim
12 arising from a transaction subject to this chapter within the
13 respective jurisdictions of the district or superior courts as
14 provided in Article IV, section 6 of the Constitution of the state of
15 Washington.

16 (2) In each county, the superior court may appoint one or more
17 attorneys to act as commissioners pursuant to this chapter to
18 exercise all powers and perform all duties of a court commissioner
19 appointed pursuant to RCW 2.24.010. A person appointed under this
20 chapter as a court commissioner may also be appointed to any other
21 commissioner position authorized by law. The county legislative
22 authority must approve the creation of court commissioner positions
23 pursuant to this chapter.

24 **Sec. 4.** RCW 59.18.380 and 2011 c 132 s 18 are each amended to
25 read as follows:

26 At the time and place fixed for the hearing of plaintiff's motion
27 for a writ of restitution, the defendant, or any person in possession
28 or claiming possession of the property, (~~may~~) shall answer(~~(7~~
29 ~~orally or~~)) in writing, and assert any legal or equitable defense or
30 set-off arising out of the tenancy. (~~If the answer is oral the~~
31 ~~substance thereof shall be endorsed on the complaint by the court.~~)
32 The court shall examine the parties and witnesses orally to ascertain
33 the merits of the complaint and answer, and if it shall appear that
34 the plaintiff has the right to be restored to possession of the
35 property, the court shall enter an order directing the issuance of a
36 writ of restitution, returnable (~~ten~~) 10 days after its date,
37 restoring to the plaintiff possession of the property and if it shall
38 appear to the court that there is no substantial issue of material

1 fact of the right of the plaintiff to be granted other relief as
2 prayed for in the complaint and provided for in this chapter, the
3 court may enter an order and judgment granting so much of such relief
4 as may be sustained by the proof, and the court may grant such other
5 relief as may be prayed for in the plaintiff's complaint and provided
6 for in this chapter, then the court shall enter an order denying any
7 relief sought by the plaintiff for which the court has determined
8 that the plaintiff has no right as a matter of law: PROVIDED, That
9 within three days after the service of the writ of restitution issued
10 prior to final judgment, the defendant, or person in possession of
11 the property, may, in any action for the recovery of possession of
12 the property for failure to pay rent, stay the execution of the writ
13 pending final judgment by paying into court or to the plaintiff, as
14 the court directs, all rent found to be due, and in addition by
15 paying, on a monthly basis pending final judgment, an amount equal to
16 the monthly rent called for by the lease or rental agreement at the
17 time the complaint was filed: PROVIDED FURTHER, That before any writ
18 shall issue prior to final judgment the plaintiff shall execute to
19 the defendant and file in the court a bond in such sum as the court
20 may order, with sufficient surety to be approved by the clerk,
21 conditioned that the plaintiff will prosecute his or her action
22 without delay, and will pay all costs that may be adjudged to the
23 defendant, and all damages which he or she may sustain by reason of
24 the writ of restitution having been issued, should the same be
25 wrongfully sued out. The court shall also enter an order directing
26 the parties to proceed to trial on the complaint and answer in the
27 usual manner.

28 If it appears to the court that the plaintiff should not be
29 restored to possession of the property, the court shall deny
30 plaintiff's motion for a writ of restitution and enter an order
31 directing the parties to proceed to trial within (~~(thirty)~~) 30 days
32 on the complaint and answer. If it appears to the court that there is
33 a substantial issue of material fact as to whether or not the
34 plaintiff is entitled to other relief as is prayed for in plaintiff's
35 complaint and provided for in this chapter, or that there is a
36 genuine issue of a material fact pertaining to a legal or equitable
37 defense or set-off raised in the defendant's answer, the court shall
38 grant or deny so much of plaintiff's other relief sought and so much
39 of defendant's defenses or set-off claimed, as may be proper.

1 **Sec. 5.** RCW 59.18.640 and 2021 c 115 s 8 are each amended to
2 read as follows:

3 (1) Subject to the availability of amounts appropriated for this
4 specific purpose, the court must appoint an attorney for an indigent
5 tenant in an unlawful detainer proceeding under this chapter and
6 chapters 59.12 and 59.20 RCW. The office of civil legal aid is
7 responsible for implementation of this subsection as provided in RCW
8 2.53.050, and the state shall pay the costs of legal services
9 provided by an attorney appointed pursuant to this subsection. In
10 implementing this section, the office of civil legal aid shall assign
11 priority to providing legal representation to indigent tenants in
12 those counties in which the most evictions occur and to indigent
13 tenants who are disproportionately at risk of eviction.

14 (2) For purposes of this section, "indigent" means any person
15 who, at any stage of a court proceeding, is:

16 (a) Receiving one of the following types of public assistance:
17 Temporary assistance for needy families, aged, blind, or disabled
18 assistance benefits, medical care services under RCW 74.09.035,
19 pregnant women assistance benefits, poverty-related veterans'
20 benefits, food stamps or food stamp benefits transferred
21 electronically, refugee resettlement benefits, medicaid, or
22 supplemental security income; or

23 (b) Receiving an annual income, after taxes, of 200 percent or
24 less of the current federally established poverty level.

25 (3) The office of civil legal aid shall require documented
26 verification of income or participation in a qualifying public
27 assistance program as outlined in this section.

28 NEW SECTION. **Sec. 6.** \$5,250,000 of the general fund—state
29 appropriation for fiscal year 2025 is provided solely for a grant
30 program to be administered by the department of commerce in
31 collaboration with the office of civil legal aid to assist eligible
32 counties in funding commissioner positions created under RCW
33 59.12.050 and 59.18.050. Counties with populations greater than
34 527,000, according to 2023 estimates prepared by the office of
35 financial management, are eligible to apply. No county with a
36 population under 2,000,000 may receive more than \$750,000.

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