

**RCW 28A.335.040 Surplus school property, rental, lease, or use of—Authorized—Limitations.** (1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or nonprofit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future except in such cases where:

(a) Due to proximity to an international airport, land use has been so permanently altered as to preclude the possible use of the property for a school housing students and the school property has been heavily impacted by surrounding land uses so that a school housing students would no longer be appropriate in that area; or

(b) The property is leased or rented for affordable housing purposes under RCW 39.33.015.

(2) Authorization to rent, lease or permit the occasional use of surplus school property under this section, RCW 28A.335.050 and 28A.335.090 is conditioned on the establishment by each school district board of directors of a policy governing the use of surplus school property.

(3) The board of directors of any school district desiring to rent or lease any surplus real property owned by the school district shall publish a written notice in a newspaper of general circulation in the school district for rentals or leases totaling ten thousand dollars or more in value. School districts shall not rent or lease the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the rental or lease of surplus real property and to have such bids considered along with all other bids: PROVIDED, That the school board may establish reasonable conditions for the use of such real property to assure the safe and proper operation of the property in a manner consistent with board policies. [2020 c 40 s 1; 1991 c 116 s 12. Prior: 1990 c 96 s 1; 1990 c 33 s 354; 1981 c 306 s 2; 1980 c 115 s 2. Formerly RCW 28A.58.033.]

**Retroactive application—2020 c 40:** "Section 1 of this act is remedial and curative in nature and applies retroactively to any lease or rental agreement entered into on or after January 1, 2018." [2020 c 40 s 2.]

**Severability—1981 c 306:** See note following RCW 28A.335.180.

**Severability—1980 c 115:** See note following RCW 28A.335.090.