

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2617**

Chapter 40, Laws of 2020

66th Legislature  
2020 Regular Session

SCHOOL DISTRICT SURPLUS REAL PROPERTY--LEASE OR RENTAL FOR AFFORDABLE  
HOUSING

EFFECTIVE DATE: June 11, 2020

Passed by the House February 18, 2020  
Yeas 70 Nays 28

LAURIE JINKINS

**Speaker of the House of Representatives**

Passed by the Senate March 3, 2020  
Yeas 38 Nays 10

CYRUS HABIB

**President of the Senate**

Approved March 18, 2020 10:43 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2617** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

March 18, 2020

**Secretary of State  
State of Washington**

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HOUSE BILL 2617

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Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Representatives Robinson, Ortiz-Self, Sells, Macri, Valdez,  
Lekanoff, and Senn

Read first time 01/16/20. Referred to Committee on Education.

1 AN ACT Relating to the lease or rental of surplus property of  
2 school districts; amending RCW 28A.335.040; and creating a new  
3 section.

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

5 **Sec. 1.** RCW 28A.335.040 and 1991 c 116 s 12 are each amended to  
6 read as follows:

7 (1) Every school district board of directors is authorized to  
8 permit the rental, lease, or occasional use of all or any portion of  
9 any surplus real property owned or lawfully held by the district to  
10 any person, corporation, or government entity for profit or  
11 nonprofit, commercial or noncommercial purposes: PROVIDED, That the  
12 leasing or renting or use of such property is for a lawful purpose  
13 and does not interfere with conduct of the district's educational  
14 program and related activities: PROVIDED FURTHER, That the lease or  
15 rental agreement entered into shall include provisions which permit  
16 the recapture of the leased or rented surplus property of the  
17 district should such property be needed for school purposes in the  
18 future except in such cases where(~~, due~~):

19 (a) Due to proximity to an international airport, land use has  
20 been so permanently altered as to preclude the possible use of the  
21 property for a school housing students and the school property has

1 been heavily impacted by surrounding land uses so that a school  
2 housing students would no longer be appropriate in that area; or

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

5 (2) Authorization to rent, lease or permit the occasional use of  
6 surplus school property under this section, RCW 28A.335.050 and  
7 28A.335.090 is conditioned on the establishment by each school  
8 district board of directors of a policy governing the use of surplus  
9 school property.

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

17 (4) Private schools shall have the same rights as any other  
18 person or entity to submit bids for the rental or lease of surplus  
19 real property and to have such bids considered along with all other  
20 bids: PROVIDED, That the school board may establish reasonable  
21 conditions for the use of such real property to assure the safe and  
22 proper operation of the property in a manner consistent with board  
23 policies.

24 NEW SECTION. **Sec. 2.** Section 1 of this act is remedial and  
25 curative in nature and applies retroactively to any lease or rental  
26 agreement entered into on or after January 1, 2018.

Passed by the House February 18, 2020.

Passed by the Senate March 3, 2020.

Approved by the Governor March 18, 2020.

Filed in Office of Secretary of State March 18, 2020.

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