
Civil Rights & Judiciary Committee

ESSB 5142

Brief Description: Providing owners of real estate taken through eminent domain by school districts, or sold under threat of eminent domain, the opportunity to purchase the real estate back when it is not put to intended public use.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Hasegawa, Chapman, Nobles, Schoesler and Wellman).

Brief Summary of Engrossed Substitute Bill

- Requires school districts that acquire real estate through a condemnation action or threat of a condemnation action to offer the previous owner an opportunity to purchase the property back before selling, transferring, or putting the property to another use when certain conditions are met.

Hearing Date: 3/18/25

Staff: John Burzynski (786-7133).

Background:

Washington authorizes school districts to acquire legal title to real estate through a voluntary agreement with the seller or, if the parties are unable to agree on a price, through an involuntary action in superior court known as condemnation. When a school district obtains ownership of real estate through a condemnation action, it must pay the owner the fair and full value of the property taken, as determined by a jury or judge.

Summary of Bill:

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.

Repurchase Requirement.

Whenever a school district acquires real estate in a condemnation action or under threat of condemnation, before the school district may sell, transfer, or put the real estate to use other than as a site for school facilities or as additional grounds to existing school facilities, the district must send a written offer to the previous owner or owners, or their heirs, assigns, or successors in interest (previous owner), offering to sell the real estate back to the previous owner in exchange for the amount paid by the school district to acquire the property. The previous owner has 60 days to accept the offer.

The previous owner's right to repurchase applies if any of the following conditions are met: (1) the public use for which the property was acquired is canceled before the property is put to that public use; (2) no actual progress is made toward the public use for which the property was acquired within 10 years after the date of acquisition; or (3) the property becomes unnecessary for the public use for which it was acquired or a substantially similar public use.

Statement of Use Requirement.

Whenever a school district acquires real estate under threat of condemnation, it must provide the previous owner with a written statement identifying the use for which the property is being acquired.

Threat of Condemnation.

Real estate is acquired "under threat of condemnation" when a school district purchases the real estate without a judgment having been entered in a condemnation action and the school district sends the property owner a written notice indicating an intent to pursue a condemnation action to acquire the real estate.

Good Faith and Reasonable Diligence.

The school district's obligation is satisfied, and any subsequent disposition of the real estate is not invalidated for lack of actual notice to the previous owner, when the school district has in good faith and with reasonable diligence attempted to ascertain the identity of all persons entitled to notice and sent a written offer by certified mail to their last known addresses.

Exceptions.

A school district's obligation to provide the previous owner with notice and the right to repurchase the subject real estate ends if any of the following occurs:

- the school district puts the real estate to use as a site for school facilities, or as additional grounds to existing school facilities, even if the real estate is subsequently put to another use;
- 15 years or more elapse after the real estate is acquired by the school district; or
- the previous owner waives in writing their right to receive notice and repurchase the real estate.

A school district's obligation to provide the previous owner with notice and the right to repurchase does not apply to a previous owner who made a written request that the school district

acquire the property through a condemnation action, unless the school district first sent the property owner a written notice indicating an intent to pursue a condemnation action to acquire the property.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 17, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.