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**SUBSTITUTE SENATE BILL 5142**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Hasegawa, Chapman, Nobles, Schoesler, and Wellman)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to providing owners of real estate taken through  
2 eminent domain by school districts, or sold under threat of eminent  
3 domain, the opportunity to purchase the real estate back when it is  
4 not put to intended public use; adding a new section to chapter 8.16  
5 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 8.16 RCW  
8 to read as follows:

9 (1) For purposes of this section, real estate is acquired under  
10 threat of condemnation when a school district purchases the real  
11 estate without a judgment having been entered in a condemnation  
12 action brought under this chapter and the school district sends the  
13 property owner a written notice indicating an intent to pursue a  
14 condemnation action to acquire the real estate.

15 (2) At the time of an acquisition of real estate under threat of  
16 condemnation, or within a reasonable time after, a school district  
17 shall provide the previous property owner or owners a written  
18 statement identifying the use for which the property is being  
19 acquired.

20 (3) Before real estate acquired in a condemnation action brought  
21 under this chapter, or acquired under threat of condemnation, may be

1 sold, transferred, or put to a use other than as a site for a  
2 schoolhouse, or as additional grounds to an existing schoolhouse  
3 site, the school district shall send a written offer by certified  
4 mail to the previous owner or owners, or their heirs, assigns, or  
5 successors in interest, at their last known addresses, offering to  
6 sell the acquired real estate to the previous owner or owners, or  
7 their heirs, assigns, or successors in interest, in exchange for the  
8 amount paid by the school district to the clerk of the court as  
9 compensation for the real estate taken, or, in the case of property  
10 acquired under threat of condemnation, for the purchase price paid by  
11 the school district. Such previous owner, owners, or their heirs,  
12 assigns, or successors in interest shall have 60 days after receipt  
13 of such written offer to provide written acceptance to the school  
14 district. The school district's obligation to provide such written  
15 offer under this subsection is satisfied, and any subsequent  
16 disposition of the acquired real estate is not invalidated for lack  
17 of actual notice to any previous owner, owners, or their heirs,  
18 assigns, or successors in interest, when the school district has in  
19 good faith and with reasonable diligence attempted to ascertain the  
20 identity of all persons entitled to notice under this section and  
21 sent such written offer by certified mail to their last known  
22 addresses.

23 (4) For real estate acquired in a condemnation action brought  
24 under this chapter, or under threat of condemnation, a previous  
25 owner, owners, or their heirs, assigns, or successors in interest are  
26 entitled to notice and opportunity to repurchase the property as  
27 described in subsection (3) of this section if: (a) The public use  
28 for which the property was acquired is canceled before the property  
29 is put to that public use; (b) no actual progress is made toward the  
30 public use for which the property was acquired within 10 years after  
31 the date of acquisition; or (c) the property becomes unnecessary for  
32 the public use for which it was acquired or a substantially similar  
33 public use.

34 (5) Once the school district puts acquired real estate to use as  
35 a site for a schoolhouse, or as additional grounds to an existing  
36 schoolhouse site, its obligations under subsection (3) of this  
37 section terminate, even if the acquired real estate is subsequently  
38 put to a use other than as a site for a schoolhouse or as additional  
39 grounds to an existing schoolhouse site.

1 (6) A school district's obligations and the rights of an owner,  
2 owners, or their heirs, assigns, or successors in interest to receive  
3 notice and to purchase back the acquired real estate under subsection  
4 (3) of this section terminate 15 years after the date that the real  
5 estate was acquired by the school district.

6 (7) A property owner, or their heirs, assigns, or successors in  
7 interest, may waive the rights to receive notice and to purchase back  
8 the acquired real estate by executing a written waiver.

9 NEW SECTION. **Sec. 2.** This act may be known and cited as the  
10 Houston eminent domain fairness act.

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