CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5142

Chapter 224, Laws of 2025

69th Legislature
2025 Regular Session

EMINENT DOMAIN—SCHOOL DISTRICTS—USE OF PROPERTY FOR OTHER PURPOSES

EFFECTIVE DATE: July 27, 2025

Passed by the Senate April 17, 2025
Yeas 49 Nays 0

JOHN LOVICK

President of the Senate

Passed by the House April 9, 2025
Yeas 97 Nays 0

LAURIE JINKINS

Speaker of the House of Representatives

Approved May 12, 2025 10:08 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5142** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 14, 2025

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 5142

AS AMENDED BY THE HOUSE

Passed Legislature - 2025 Regular Session

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.

AN ACT Relating to 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; adding a new section to chapter 8.16 RCW; and creating a new section.

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

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

(1) For purposes of this section, 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 brought under this chapter and the school district sends the property owner a written notice indicating an intent to pursue a condemnation action to acquire the real estate.

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

(3) Except as provided in subsections (5) through (8) of this section, before real estate acquired in a condemnation action brought

under this chapter, or acquired under threat of condemnation, may be sold, transferred, or put to a use other than as a site for school facilities, or as additional grounds to existing school facilities, the school district shall send a written offer by certified mail to the previous owner or owners, or their heirs, assigns, or successors in interest, at their last known addresses, offering to sell the acquired real estate to the previous owner or owners, or their heirs, assigns, or successors in interest, in exchange for the amount paid by the school district to the clerk of the court as compensation for the real estate taken, or, in the case of property acquired under threat of condemnation, for the purchase price paid by the school district. Such previous owner, owners, or their heirs, assigns, or successors in interest shall have 60 days after receipt of such written offer to provide written acceptance to the school district. The school district's obligation to provide such written offer under this subsection is satisfied, and any subsequent disposition of the acquired real estate is not invalidated for lack of actual notice to any previous owner, owners, or their heirs, assigns, or successors in interest, when the school district has in good faith and with reasonable diligence attempted to ascertain the identity of all persons entitled to notice under this section and sent such written offer by certified mail to their last known addresses.

(4) For real estate acquired in a condemnation action brought under this chapter, or under threat of condemnation, a previous owner, owners, or their heirs, assigns, or successors in interest are entitled to notice and opportunity to repurchase the property as described in subsection (3) of this section if: (a) The public use for which the property was acquired is canceled before the property is put to that public use; (b) no actual progress is made toward the public use for which the property was acquired within 10 years after the date of acquisition; (c) the property becomes unnecessary for the public use for which it was acquired or a substantially similar public use; or (d)(i) no voter or state funding for the school or school facility has been requested or submitted to the voters, (ii) no applications to the applicable permitting jurisdictions have been submitted, (iii) no additional parcels of property need to be assembled or acquired, (iv) no school or school facility on the property is included in the district's six-year capital facilities plan, and (v) the property was acquired by the district more than one year ago.

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

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

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

(8) Subsection (3) of this section does not apply to a property owner who makes a written request that a 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.

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

Passed by the Senate April 17, 2025.
Passed by the House April 9, 2025.
Approved by the Governor May 12, 2025.
Filed in Office of Secretary of State May 14, 2025.

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