
ENGROSSED SUBSTITUTE SENATE BILL 5142

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

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

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 (8) Subsection (3) of this section does not apply to a property
10 owner who makes a written request that a school district acquire the
11 property through a condemnation action unless the school district
12 first sent the property owner a written notice indicating an intent
13 to pursue a condemnation action to acquire the property.

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

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