
SENATE BILL 5536

State of Washington

69th Legislature

2025 Regular Session

By Senator Fortunato

1 AN ACT Relating to the just and equitable distribution of real
2 property and liabilities in the dissolution of marriage or domestic
3 partnerships; amending RCW 26.09.080; and adding a new section to
4 chapter 26.09 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.09
7 RCW to read as follows:

8 In a proceeding for dissolution of a marriage or domestic
9 partnership a court order issued regarding the disposition and
10 ownership of real property may be enforced by either party. Secured
11 and unsecured creditors must adhere to the conditions set forth in
12 the court order related to the disposition and ownership of real
13 property.

14 **Sec. 2.** RCW 26.09.080 and 2008 c 6 s 1011 are each amended to
15 read as follows:

16 In a proceeding for dissolution of the marriage or domestic
17 partnership, legal separation, declaration of invalidity, or in a
18 proceeding for disposition of property following dissolution of the
19 marriage or the domestic partnership by a court which lacked personal
20 jurisdiction over the absent spouse or absent domestic partner or

1 lacked jurisdiction to dispose of the property, the court shall,
2 without regard to misconduct, make such disposition of the property
3 and the liabilities of the parties, either community or separate, as
4 shall appear just and equitable after considering all relevant
5 factors including, but not limited to:

- 6 (1) The nature and extent of the community property;
- 7 (2) The nature and extent of the separate property;
- 8 (3) The duration of the marriage or domestic partnership; and
- 9 (4) The economic circumstances of each spouse or domestic partner
10 at the time the division of property is to become effective,
11 including the desirability of awarding the family home or the right
12 to live therein for reasonable periods to a spouse or domestic
13 partner with whom the children reside the majority of the time.

14 (a) When considering the just and equitable distribution of real
15 property and liabilities, a court should consider the division of
16 costs associated with the disposition of real property, such as
17 taxes, broker and agent fees, repairs, and other costs related to
18 preparing a property for sale.

19 (b) When considering the disposition of the family home, a court
20 should consider the potential for homelessness of a spouse and
21 children and the provision of housing if such a case is likely to
22 occur.

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