

Tuesday, February 13, 2001

House Bill No. 1482

As Amended

HOUSE BILL NO. 1482 — By VAUGHN of the House and SNYDER of the Senate.

An Act relating to cities and towns; amending Section 1, Chapter 154, O.S.L. 1995 (11 O.S. Supp. 2000, Section 42-106.1), which relates to amendment of restrictive covenants; providing for creation of owners association or joining of existing owners association; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, Chapter 154, O.S.L. 1995 (11 O.S. Supp. 2000, Section 42-106.1), is amended to read as follows:

Section 42-106.1 A. Any restrictive covenant on property contained in a residential addition may be amended if:

1. The restrictive covenant has been in existence for at least ten (10) years and the amendment is approved by the owners of at least seventy percent (70%) of the parcels contained in the addition or the amount specified in the restrictive covenant, whichever is less; or

2. The restrictive covenant has been in existence for at least fifteen (15) years and the amendment is approved by the owners of at least sixty percent (60%) of the parcels contained in the addition or the amount specified in the restrictive covenant, whichever is less.

B. Where a preliminary plat has been filed for a residential addition, the requirements of paragraphs 1 and 2 of subsection A of this section shall include all the parcels contained in the preliminary plat.

C. Where the existing restrictive covenants applicable to property in a residential addition do not provide for an owners association, as defined in Section 852 of Title 60 of the Oklahoma Statutes, the restrictions can be modified for the purpose of:

1. Creating and operating an owners association for the residential addition that requires mandatory membership in that owners association if the amendment is approved by the owners of at least seventy percent (70%) of the parcels contained in the addition; or

2. Joining an existing owners association of an adjacent residential addition if the amendment is approved by the owners of at least seventy percent (70%) of the parcels contained in the addition and approved by at least seventy percent (70%) of the parcels contained in the adjacent addition and governed by the existing owners association.

D. In the absence of a provision providing for the amendment of the restrictive covenants of a residential addition the requirements of paragraphs 1 and 2 of subsection A of this section shall apply. A thirty-day notice of any meeting called to amend the restrictive covenants shall be provided to the owners of every parcel contained in the addition. Each parcel shall be entitled to one vote.

SECTION 2. This act shall become effective November 1, 2001.