

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2399

By: Vaughn

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 2001, Section 42-106.1, which relates to amendment of restrictive covenants; providing for creation of owners association or joining of existing owners association; defining term; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, 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. If 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 restrictive covenants may be amended 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 governed by the existing owners association.

D. 1. Any owners association formed pursuant to the procedures outlined in subsection C of this section shall only be allowed to require such obligations upon the members of the owners association that are reasonable and necessary to effectuate the purposes of the owners association.

2. Any member of the owners association may bring an action in a court of competent jurisdiction to obtain a judicial determination whether the obligations imposed by the owners association are reasonable and necessary to effectuate the purposes of the owners association.

E. 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.

F. For purposes of this section, "amend" means to alter or change through modification or deletion of existing restrictive covenants or the addition of new restrictive covenants.

SECTION 2. This act shall become effective November 1, 2002.

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