

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3152 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Ryan Martinez

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 3152

By: Martinez

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to regulation of residential building design elements; prohibiting county and municipal regulation of residential building design elements; providing certain exceptions to regulation of building design elements; defining terms; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1000.30 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A county, municipality, city or town shall not regulate single-family residential building design elements unless:

1. The residential building structure is:

a. located in an area formally designated and declared as a local historic district under applicable state law,

- b. located in an area designated as a historic district on the National Register of Historic Places,
- c. designated as a local, state, or national historic landmark due to its age of over fifty (50) years and its uniquely historic significance,
- d. located on a property that is governed by a regulation created by any valid cooperative contractual agreements between property owners and a county, municipality, city or town,
- e. located on an existing property that is governed by the application of a county, municipal, city or town policy, regulation, or ordinance affecting residential building design elements and such policy, regulation or ordinance was duly and properly adopted by the governing body on an existing property on or before the effective date of this act but not as to any other property thereafter,
- f. located on a property that is governed by a policy or regulation as set forth within a duly adopted tax increment finance district, or a business improvement district, or
- g. located on a property that is governed by a policy or regulation of an overlay zoning district that was adopted pursuant to applicable state law such as

1 zoning procedures set forth in Title 11 of the  
2 Oklahoma Statutes, and if before the policy or  
3 regulation is implemented:

4 (1) first-class mailed notice is provided directly to  
5 record property owners within the overlay  
6 district,

7 (2) a petition to support the policy or regulation is  
8 attached with signatures of a majority of  
9 property owners, as such majority is determined  
10 by land area of property owners within the  
11 proposed overlay district, and

12 (3) the overlay district makes a fact-based  
13 determination that the policy or regulation  
14 complies with applicable fair housing laws; or

15 2. The regulations are:

- 16 a. directly and substantially related to the requirements  
17 of applicable life safety and building codes,  
18 b. applied to manufactured housing in a manner consistent  
19 with applicable law, or  
20 c. adopted as a condition for participation in the  
21 National Flood Insurance Program.

22 B. As used in this section:

- 23 1. "Residential building design elements" means:  
24

- a. type or style of exterior cladding or finish materials,
- b. style or materials of roof structures, roof pitches, or porches,
- c. exterior nonstructural architectural ornamentation,
- d. location, design, placement, or architectural styling of windows and doors, including garage doors and garage structures,
- e. the number and types of rooms,
- f. the interior layout of rooms, and
- g. the minimum square footage of a structure; and

2. "Residential building design elements" does not include:

- a. the height, bulk, orientation, or location of a structure on a lot, or
- b. buffering or screening elements located at the perimeter of the property that are used to:
  - (1) minimize visual impacts,
  - (2) mitigate the impacts of light and noise, or
  - (3) protect the privacy of neighbors.

C. This section does not prohibit or diminish the rights of private parties to enact regulations as created by valid private covenants or other contractual agreements among property owners relating to residential building design elements including restrictive covenants and declarations such as those maintained by

1 owners associations in real estate developments as created under  
2 Section 851 et seq. of Title 60 of the Oklahoma Statutes or under  
3 Section 501 et seq. of Title 60 of the Oklahoma Statutes.

4 SECTION 2. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 43-109.3 of Title 11, unless  
6 there is created a duplication in numbering, reads as follows:

7 A. A county, municipality, city or town shall not regulate  
8 single-family residential building design elements unless:

9 1. The residential building structure is:

- 10 a. located in an area formally designated and declared as  
11 a local historic district under applicable state law,
- 12 b. located in an area designated as a historic district  
13 on the National Register of Historic Places,
- 14 c. designated as a local, state, or national historic  
15 landmark due to its age of over fifty (50) years and  
16 its uniquely historic significance,
- 17 d. located on a property that is governed by a regulation  
18 created by any valid cooperative contractual  
19 agreements between property owners and a county,  
20 municipality, city or town,
- 21 e. located on an existing property that is governed by  
22 the application of a county, municipal, city or town  
23 policy, regulation, or ordinance affecting residential  
24 building design elements and such policy, regulation

1 or ordinance was duly and properly adopted by the  
2 governing body on an existing property on or before  
3 the effective date of this act but not as to any other  
4 property thereafter,

5 f. located on a property that is governed by a policy or  
6 regulation as set forth within a duly adopted tax  
7 increment finance district, or a business improvement  
8 district, or

9 g. located on a property that is governed by a policy or  
10 regulation of an overlay zoning district that was  
11 adopted pursuant to applicable state law such as  
12 zoning procedures set forth in Title 11 of the  
13 Oklahoma Statutes, and if before the policy or  
14 regulation is implemented:

15 (1) first-class mailed notice is provided directly to  
16 record property owners within the overlay  
17 district,

18 (2) a petition to support the policy or regulation is  
19 attached with signatures of a majority of  
20 property owners, as such majority is determined  
21 by land area of property owners within the  
22 proposed overlay district, and  
23  
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(3) the overlay district makes a fact-based determination that the policy or regulation complies with applicable fair housing laws; or

2. The regulations are:

- a. directly and substantially related to the requirements of applicable life safety and building codes,
- b. applied to manufactured housing in a manner consistent with applicable law, or
- c. adopted as a condition for participation in the National Flood Insurance Program.

B. As used in this section:

1. "Residential building design elements" means:

- a. type or style of exterior cladding or finish materials,
- b. style or materials of roof structures, roof pitches, or porches,
- c. exterior nonstructural architectural ornamentation,
- d. location, design, placement, or architectural styling of windows and doors, including garage doors and garage structures,
- e. the number and types of rooms,
- f. the interior layout of rooms, and
- g. the minimum square footage of a structure; and

2. "Residential building design elements" does not include:



- 1           a.    the height, bulk, orientation, or location of a  
2                structure on a lot, or  
3           b.    buffering or screening elements located at the  
4                perimeter of the property that are used to:  
5                (1)   minimize visual impacts,  
6                (2)   mitigate the impacts of light and noise, or  
7                (3)   protect the privacy of neighbors.

8           C.   This section does not prohibit or diminish the rights of  
9 private parties to enact regulations as created by valid private  
10 covenants or other contractual agreements among property owners  
11 relating to residential building design elements including  
12 restrictive covenants and declarations such as those maintained by  
13 owners associations in real estate developments as created under  
14 Section 851 et seq. of Title 60 of the Oklahoma Statutes or under  
15 Section 501 et seq. of Title 60 of the Oklahoma Statutes.

16           SECTION 3. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.  
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21           57-2-11050           LRB           02/12/20  
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