

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 and federal 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 and federal law

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

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

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

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

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

19 (2) a petition to support the policy or regulation is
20 attached with signatures of a majority of
21 property owners, as such majority is determined
22 by land area of property owners within the
23 proposed overlay district, and
24

(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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