

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1671

By: Newhouse

AS INTRODUCED

An Act relating to the regulation of residential building design elements; prohibiting county and municipal regulation of certain design elements of residential buildings; stating limitation of regulations; defining terms; providing exceptions; providing for codification; and providing an effective date.

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 43-109.3 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. A 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 state or local historic district under applicable law,

b. designated as a local, state, or national historic landmark,

- c. located on a property that is governed by a regulation created by any valid agreement between property owners and a municipality, city or town, which includes but is not limited to a Planned Unit Development,
- d. located on a property that is governed by the application of a 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 applicable governing body in accordance with applicable law,
- e. 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
- f. located on a property that is governed by a policy or regulation of an overlay zoning district that was adopted pursuant to applicable law; or

2. The regulations are:

- a. directly and substantially related to life safety or building safety, or
- b. applied to manufactured housing in a manner consistent with applicable law, or

1 c. adopted as a condition for participation in the
2 National Flood Insurance Program.

3 B. As used in this section:

4 1. "Residential building design elements" means:

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

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

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

23 C. This section does not prohibit or diminish the rights of
24 private parties to enact regulations as created by valid private

1 covenants or other contractual agreements among property owners
2 relating to residential building design elements including
3 restrictive covenants and declarations such as those maintained by
4 owners' associations in real estate developments as created under
5 Section 851 et seq. of Title 60 of the Oklahoma Statutes or under
6 Section 501 et seq. of Title 60 of the Oklahoma Statutes.

7 SECTION 2. This act shall become effective November 1, 2020.

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