

An Act

ENROLLED SENATE
BILL NO. 1617

By: Thompson (Kristen) and
Young of the Senate

and

Pfeiffer, Munson, and Deck
of the House

An Act relating to municipal land; amending 11 O.S. 2021, Section 42-106.1, which relates to restrictive covenants on property; providing process for amendment of discriminatory restrictive covenants; declaring certain discriminatory restrictive covenants null and void; and providing an effective date.

SUBJECT: Restrictive covenants on property

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

SECTION 1. AMENDATORY 11 O.S. 2021, 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. 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.

D. The recorded restrictive covenants on property contained in a residential addition may be amended by the addition of a new covenant creating a neighborhood association for the addition that would require the mandatory participation of the successors-in-interest of all record owners of parcels within the addition at the time the amendment is recorded. The amendment must be approved by the record owners of at least sixty percent (60%) of the parcels contained in the addition and shall be subject to the following:

1. The amendment shall provide that participation in the neighborhood association created by the amendment shall not be mandatory for persons who are record owners of parcels within the residential addition at the time the amendment is filed of record, but such participation shall be mandatory for all successors-in-interest of the record owners;

2. The amendment must provide that the concurring vote of not less than sixty percent (60%) of the record owners of parcels contained in the addition shall be necessary for the establishment or change of dues for the neighborhood association; and

3. Following approval, the amendment shall be filed of record in the office of the county clerk of the county wherein the residential addition is located against all parcels within the addition. The term amendment may apply to an existing covenant or to a new subject not addressed in existing covenants.

A thirty-day written notice of any meeting called to approve any such amendment shall be provided to the owners of every parcel

contained in the residential addition. The notice of such meeting shall be published in a newspaper in the county at least fourteen (14) days before the meeting. The notice shall also be given by publication in the neighborhood newsletter. Each parcel within the addition shall be entitled to one vote. Any amendment approved and recorded pursuant to this subsection may thereafter be revoked by approval of sixty percent (60%) of the record owners of parcels within the addition.

E. A municipality may amend an existing plat which was previously filed with the office of the county clerk of the county where the addition is located to remove an illegal discriminatory restrictive covenant pursuant to the Fair Housing Act, 42 U.S.C., Section 3601 et seq. The amendment shall be filed on record in the office of the county clerk of the county where the addition is located against all parcels within the addition after:

1. The municipality provides thirty (30) days' written notice to all property owners of all parcels within the addition of the proposed amendment to remove an illegal discriminatory restrictive covenant, the notice including the time, date, and place of the planning commission meeting where the amendment will be considered; and

2. The governing body of the municipality approves the amended plat.

Nothing in this subsection shall be construed as requiring the approval of the amended plat by the property owners of all parcels within the addition.

F. An illegal discriminatory restrictive covenant contained on a plat is not enforceable in this state, and all illegal discriminatory restrictive covenants contained in plats recorded in this state are unlawful, unenforceable, and declared null and void. Any illegal discriminatory restrictive covenant contained in an existing plat is extinguished and severed from the plat, with the remainder of such plat remaining enforceable and effective.

SECTION 2. This act shall become effective November 1, 2024.

Passed the Senate the 26th day of February, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____