

# An Act

ENROLLED HOUSE  
BILL NO. 2171

By: Pfeiffer and Waldron of the  
House

and

Thompson and Boren of the  
Senate

An Act relating to unlawful land restriction; creating the Oklahoma Uniform Unlawful Restrictions in Land Records Act; defining terms; providing that a property owner may record an amendment to remove an unlawful restriction; providing requirements for an owner to file an amendment; providing for an owners association to record an amendment to remove an unlawful restriction; providing requirements for an owners association to file an amendment; providing requirements and limitations of an amendment to remove an unlawful restriction; providing form for an amendment to remove an unlawful restriction; providing duties and liability of county clerk for recording an amendment to remove an unlawful restriction; providing relation to the Electronic Signatures in Global and National Commerce Act; providing for codification; and providing an effective date.

SUBJECT: Unlawful land restriction

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 401 of Title 16, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Uniform Unlawful Restrictions in Land Records Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 402 of Title 16, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Amendment" means a document that removes an unlawful restriction;

2. "Document" means a record recorded or eligible to be recorded in land records;

3. "Governing instrument" means a document recorded in land records that:

- a. establishes a governing body responsible for management of common areas or facilities used by more than one owner of a property interest affected by the document, and
- b. requires contribution, enforceable by a lien on a separate property interest, of a share of taxes, insurance premiums, maintenance, or improvement of, or services or other expenses for the common benefit of, the real property described in the document;

4. "Index" means a system that enables a search for a document in land records;

5. "Land records" means documents and indexes maintained by a recorder;

6. "Owner" means a person that has a fee interest in real property;

7. "Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency, or instrumentality, or other legal entity;

8. "Record", used as a noun, means information:

- a. inscribed on a tangible medium, or
- b. stored in an electronic or other medium and retrievable in perceivable form;

9. "Recorder" means an officer authorized under other laws of this state to accept a document for recordation in land records;

10. "Remove" means eliminate any apparent or purportedly continuing effect on title to real property; and

11. "Unlawful restriction" means a prohibition, restriction, covenant, or condition in a document that purports to interfere with or restrict the transfer, use, or occupancy of real property:

- a. on the basis of race, color, religion, national origin, sex, familial status, disability, or other personal characteristics, and
- b. in violation of other laws of this state or federal law.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 403 of Title 16, unless there is created a duplication in numbering, reads as follows:

Except with respect to property to which Section 4 of this act applies, an owner of real property subject to an unlawful restriction may submit to the recorder for recordation in the land records an amendment to remove the unlawful restriction, but only as to the owner's property.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 404 of Title 16, unless there is created a duplication in numbering, reads as follows:

A. The governing body of an owners association identified in a governing instrument may, without a vote of the members of the association, amend the governing instrument to remove an unlawful restriction.

B. A member of an owners association may request, in a record that sufficiently identifies an unlawful restriction in the governing instrument, that the governing body exercise its authority under subsection A of this section. Not later than ninety (90) days after the governing body receives the request, the governing body shall determine reasonably and in good faith whether the governing instrument includes the unlawful restriction. If the governing body determines the governing instrument includes the unlawful

restriction, the governing body, not later than ninety (90) days after the determination, shall amend the governing instrument to remove the unlawful restriction.

C. Notwithstanding any provision of the governing instrument or other laws of this state, the governing body may execute an amendment under this section.

D. An amendment under this section is effective notwithstanding any provision of the governing instrument or other law of this state that requires a vote of the members of the owners association to amend the governing instrument.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 405 of Title 16, unless there is created a duplication in numbering, reads as follows:

A. An amendment under this act must identify the owner, the real property affected, and the document containing the unlawful restriction. The amendment must include a conspicuous statement in substantially the following form:

"This amendment removes from this deed or other document affecting title to real property an unlawful restriction as defined under the Oklahoma Uniform Unlawful Restrictions in Land Records Act. This amendment does not affect the validity or enforceability of a restriction that is not an unlawful restriction."

B. The amendment must be executed and acknowledged in the manner required for recordation of a document in the land records. The amendment must be recorded with the county clerk in the county in which the document containing the unlawful restriction is recorded.

C. The amendment does not affect the validity or enforceability of any restriction that is not an unlawful restriction.

D. The amendment or a future conveyance of the affected real property is not a republication of a restriction that otherwise would expire by passage of time under other law of this state.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 406 of Title 16, unless there is created a duplication in numbering, reads as follows:

The following form may be used by an owner to make an amendment under Section 3 of this act:

Amendment by Owner to Remove an Unlawful Restriction

This Amendment is recorded under the Oklahoma Uniform Unlawful Restrictions in Land Records Act (the Act), by an Owner of an interest in real property subject to an unlawful restriction as defined under the Act.

(1) Name of Owner: \_\_\_\_\_

(2) Owner's property that is subject to the unlawful restriction is described as follows:

Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

(3) This Amendment amends the following document:

Title of document being amended: \_\_\_\_\_

Recording date of document being amended: \_\_\_\_\_

Recording information (book/page or instrument number): \_\_\_\_\_

This Amendment removes from the document described in paragraph (3) all unlawful restrictions as defined under the Act. Removal of an unlawful restriction through this Amendment does not affect the validity and enforceability of any other restriction that is not an unlawful restriction as defined under the Act, at the time of filing this Amendment. This Amendment is not effective if the property is subject to a governing instrument as defined under the Act.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

Notary Acknowledgment: \_\_\_\_\_

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 407 of Title 16, unless there is created a duplication in numbering, reads as follows:

A. A county clerk shall record an amendment submitted under this act, add the amendment to the index, and cross-reference the amendment to the document containing the unlawful restriction.

B. A county clerk is not liable for recording an amendment under this act.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 408 of Title 16, unless there is created a duplication in numbering, reads as follows:

This act modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C., Section 7001 et seq., as amended, but does not modify, limit, or supersede 15 U.S.C., Section 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C., Section 7003(b).

SECTION 9. This act shall become effective November 1, 2025.

Passed the House of Representatives the 13th day of March, 2025.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 28th day of April, 2025.

\_\_\_\_\_  
Presiding Officer of the Senate

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: \_\_\_\_\_