

1 **SENATE FLOOR VERSION**

2 February 24, 2026

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 2139

6 By: Hicks and Nice

7 [cities and towns - covenants - discriminatory
8 language - information - effective date]
9

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

11 SECTION 1. AMENDATORY 11 O.S. 2021, Section 42-106.1, as
12 amended by Section 1, Chapter 33, O.S.L. 2024 (11 O.S. Supp. 2025,
13 Section 42-106.1), is amended to read as follows:

14 Section 42-106.1. A. Any restrictive covenant on property
15 contained in a residential addition may be amended if:

16 1. The restrictive covenant has been in existence for at least
17 ten (10) years and the amendment is approved by the owners of at
18 least seventy percent (70%) of the parcels contained in the addition
19 or the amount specified in the restrictive covenant, whichever is
20 less; or

21 2. The restrictive covenant has been in existence for at least
22 fifteen (15) years and the amendment is approved by the owners of at
23 least sixty percent (60%) of the parcels contained in the addition
24

1 or the amount specified in the restrictive covenant, whichever is
2 less.

3 B. Where a preliminary plat has been filed for a residential
4 addition, the requirements of paragraphs 1 and 2 of subsection A of
5 this section shall include all the parcels contained in the
6 preliminary plat.

7 C. In the absence of a provision providing for the amendment of
8 the restrictive covenants of a residential addition the requirements
9 of paragraphs 1 and 2 of subsection A of this section shall apply.
10 A thirty-day notice of any meeting called to amend the restrictive
11 covenants shall be provided to the owners of every parcel contained
12 in the addition. Each parcel shall be entitled to one vote.

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

22 1. The amendment shall provide that participation in the
23 neighborhood association created by the amendment shall not be
24 mandatory for persons who are record owners of parcels within the

1 residential addition at the time the amendment is filed of record,
2 but such participation shall be mandatory for all successors-in-
3 interest of the record owners;

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

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

13 A thirty-day written notice of any meeting called to approve any
14 such amendment shall be provided to the owners of every parcel
15 contained in the residential addition. The notice of such meeting
16 shall be published in a newspaper in the county at least fourteen
17 (14) days before the meeting. The notice shall also be given by
18 publication in the neighborhood newsletter. Each parcel within the
19 addition shall be entitled to one vote. Any amendment approved and
20 recorded pursuant to this subsection may thereafter be revoked by
21 approval of sixty percent (60%) of the record owners of parcels
22 within the addition.

23 E. A municipality may amend an existing plat which was
24 previously filed with the office of the county clerk of the county

1 where the addition is located to remove an illegal discriminatory
2 restrictive covenant pursuant to the Fair Housing Act, 42 U.S.C.,
3 Section 3601 et seq. The amendment shall be filed on record in the
4 office of the county clerk of the county where the addition is
5 located against all parcels within the addition after:

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

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

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

17 F. 1. Upon the adoption and recording of an ordinance amending
18 a recorded plat to redact, remove, or strike the discriminatory
19 language from the existing plat, the municipality shall provide the
20 county clerk an Affidavit Regarding Correction of Plats, containing
21 the following:

22 a. the title of the plat to be corrected,
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- 1 b. a reference to the book and page number in which the
2 existing plat has been recorded with the county
3 clerk's office,
- 4 c. the section, township, and range of the plat,
- 5 d. recitation of the discriminatory language to be
6 redacted, removed, or stricken from the plat, and
- 7 e. a copy of the existing plat identifying the
8 discriminatory language to be redacted, removed, or
9 stricken; and

10 2. Upon receipt of an Affidavit Regarding Correction of Plats,
11 on the electronic version of the plat on the county clerk's website,
12 or the original plat if no electronic version of the plat is
13 maintained on the county clerk's website, the county clerk shall
14 enter a note stating the discriminatory language was redacted,
15 removed, or stricken pursuant to this section, providing also the
16 book and page number where the Affidavit Regarding Correction of
17 Plats is located in the office of the county clerk.

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

SECTION 2. This act shall become effective November 1, 2026.

COMMITTEE REPORT BY: COMMITTEE ON LOCAL AND COUNTY GOVERNMENT
February 24, 2026 - DO PASS AS AMENDED BY CS

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