

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1545

By: Kirt

AS INTRODUCED

An Act relating to cities and towns; creating the Yes In God's Backyard Act; providing short title; providing legislative intent; defining terms; allowing faith-based organizations to apply to construct certain project; providing certain requirements for certain project; requiring municipal approval within certain time frame; prohibiting municipality from taking certain actions; preempting certain zoning regulations; permitting certain benefits for certain projects; providing for certain ineligibility; requiring the Oklahoma Housing Finance Agency to monitor certain compliance; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

A. This act shall be known and may be cited as the "Yes In God's Backyard Act".

B. 1. It is the policy of this state, in order to address housing shortages and enhance affordability of housing, to authorize faith-based organizations to develop affordable housing as a use-by-right on properties owned by such organizations.

1 2. This act aims to leverage underutilized properties owned by
2 faith-based organizations for community benefit by increasing
3 housing access, reducing regulatory barriers, and promoting mixed-
4 use community-focused development.

5 3. The approval of projects under the provisions of this act
6 are to be made based on objective and transparent standards,
7 ensuring both operational flexibility for faith-based organizations
8 and alignment with local housing needs.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 38-150 of Title 11, unless there
11 is created a duplication in numbering, reads as follows:

12 As used in this act:

13 1. "Active ground floor" means a portion of the ground floor of
14 a structure dedicated to public-facing or commercial uses,
15 including, but not limited to, retail spaces, restaurants, or
16 community centers;

17 2. "Affordable housing" means housing units designated for
18 households earning no more than eighty percent (80%) of the Area
19 Median Income (AMI), as defined by the United States Department of
20 Housing and Urban Development (HUD) income limits and rent schedules
21 that are mandated to maintain affordability restrictions for a
22 minimum period of thirty (30) years;

1 3. "Ancillary uses" means additional uses within eligible
2 developments that support and complement the primary mission of the
3 faith-based organization, including, but not limited to:

- 4 a. child care,
- 5 b. social services,
- 6 c. educational spaces, and
- 7 d. small-scale commercial spaces, including, but not
8 limited to, bookstores, cafés, or food distribution
9 centers, that are less than or equal to three thousand
10 (3,000) square feet in area;

11 4. "Development site" means land owned, leased, or controlled
12 by a faith-based organization that is eligible for residential,
13 commercial, or mixed-use development. This term includes sites
14 located in an area zoned for single-family, duplex, commercial,
15 office, institutional, civic, and multifamily zones, but does not
16 include sites in an area zoned for light and heavy industrial use
17 unless residential uses are specifically permitted by such zoning;

18 5. "Faith-based organization" means a religious institution,
19 including a church, temple, mosque, synagogue, or religious higher
20 education institution, that directly owns or leases a development
21 site involved in a project;

22 6. "Housing unit" means a residential dwelling, including an
23 apartment, townhome, or single-family residence, that is intended
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1 for use by one household and provides such household with areas for
2 living, sleeping, cooking, and sanitation;

3 7. "Mature trees" means trees on a development site that have
4 either:

5 a. a minimum trunk diameter of twelve (12) inches
6 measured at four and one-half (4 1/2) feet above
7 ground level, or

8 b. a height of thirty-five (35) feet or more above ground
9 level;

10 8. "Ministerial review" means a nondiscretionary approval
11 process based on whether a project is eligible under the provisions
12 of this act and on objective planning and zoning standards, not
13 including public hearings or subjective local review. If a
14 municipality does not have planning or zoning standards, such
15 approval process shall only be based on whether a project is
16 eligible under the provisions of this act;

17 9. "Mixed-use development" means a project that includes both a
18 residential use and an ancillary use;

19 10. "Net habitable square feet" means the total floor area of a
20 building that is finished, heated, and fully enclosed. Such term
21 shall not be construed to include spaces including, but not limited
22 to, garages, parking areas, or unfinished attics or basements;
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1 11. "Project" means any proposed residential, commercial, or
2 mixed-use development, construction, or renovation undertaken by a
3 faith-based organization on an eligible development site;

4 12. "Public benefit incentive" means an additional allowance or
5 bonus granted to a project in exchange for providing public
6 benefits, such as affordable housing, community services, or the
7 preservation of mature trees;

8 13. "Serviced lot" means a legal parcel of land connected to
9 both municipal water and sewer systems in a manner that enables
10 higher-density development and reduces environmental constraints;

11 14. "Setback" means the minimum distance required between a
12 building and the front, rear, and sides of the boundaries of a
13 property, as specified by local zoning regulations, to ensure space
14 for public infrastructure, privacy, and emergency access; and

15 15. "Steep slope" means any land area with a rise of ten (10)
16 feet or more over a horizontal distance of twenty-five (25) feet,
17 with an inclination of at least forty percent (40%), that requires
18 additional stabilization measures during development.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 38-151 of Title 11, unless there
21 is created a duplication in numbering, reads as follows:

22 A. A faith-based organization may apply for approval to
23 construct a project on a development site located within a
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1 municipality. Such organization shall demonstrate that such
2 project:

3 1. Shall be controlled or operated by the faith-based
4 organization, through either direct ownership or a long-term lease
5 of no less than fifty-five (55) years;

6 2. Is located on a development site allowing for the proposed
7 usage of such project;

8 3. Complies with all applicable building, fire, health, and
9 safety codes;

10 4. Complies with nondiscrimination rules as defined by the
11 federal Fair Housing Act; and

12 5. Has designated all properties or units for residential use
13 as affordable housing. Up to forty percent (40%) of properties or
14 units for residential use may not be designated as affordable
15 housing if such properties or units are to be reserved exclusively
16 for:

- 17 a. on-site managers,
18 b. security personnel, or
19 c. staff employed by the faith-based organization or
20 religious personnel, such as clergy, who require on-
21 site or nearby housing to fulfill their roles.

22 B. 1. A faith-based organization that seeks to apply for
23 approval for mixed-use development shall demonstrate that such
24 development shall include a combination of residential and ancillary
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1 uses. A minimum of sixty percent (60%) of the net habitable square
2 feet of such proposed development shall be designated for
3 residential use.

4 2. A faith-based organization that seeks to apply for a project
5 that includes an ancillary use shall demonstrate that any property
6 designated for ancillary use shall be accessible from an active
7 ground floor, with at least one entrance every fifty (50) feet along
8 the primary street frontage of such property.

9 3. A project on a development site located within a floodplain
10 area shall be subject to a full flood risk assessment, demonstrating
11 that such construction will not substantially increase flood risks
12 or disrupt natural water flows. Compliance with the flood
13 management standards of the Federal Emergency Management Agency and
14 this state, including elevation and flood-proofing requirements,
15 shall be mandatory.

16 4. A project on a development site located in a steep slope
17 area shall be subject to a geotechnical analysis to assess and
18 address potential erosion and landslide risks. The faith-based
19 organization applying for such project shall demonstrate the
20 intention to implement stabilization measures, including retaining
21 walls and drainage systems, as necessary to ensure slope stability.

22 C. 1. A municipality shall approve or disapprove a project
23 within fifteen (15) days of the submission of an application for
24 approval by a faith-based organization. The municipality shall

1 review such application by subjecting such to ministerial review,
2 with objective standards applied to expedite approvals without
3 discretionary oversight.

4 2. Any and all building permit reviews, inspections, and
5 approvals for a project shall be conducted by the municipality
6 concurrently rather than sequentially. Final inspections and
7 permits shall be issued within sixty (60) business days of an
8 application, with any required adjustments communicated to the
9 faith-based organization within thirty (30) business days.

10 3. A municipality may not adopt or enforce any code, ordinance,
11 regulation, standard, stipulation, or other requirement that
12 establishes, directly or indirectly, any of the following:

- 13 a. minimum square footage or dimensional requirements for
14 housing units within proposed projects,
- 15 b. maximum or minimum lot coverage requirements for
16 proposed projects, and
- 17 c. regulations imposing mandatory open space requirements
18 within a project.

19 4. The provisions of this act preempt any local zoning
20 restrictions or ordinances that conflict with such provisions. A
21 municipality shall not impose any conditions, fees, or discretionary
22 requirements on projects provided for by the provisions of this act
23 beyond those the municipality would apply to a comparable project
24 permitted on a by-right basis.

1 5. A municipality is prohibited from applying targeted
2 regulations or policies that specifically address projects provided
3 for under this act in ways that reduce standard zoning allowances,
4 add regulatory burden, or alter project eligibility. Any local
5 measures that attempt to override or conflict with the provisions of
6 this act shall be deemed invalid.

7 D. 1. An approved project shall be permitted a base density of
8 seventy-five dwelling units per acre. If the zoning where such
9 development site is located, or a property adjoining such site,
10 allows for greater residential density, the project shall be
11 permitted the greater density.

12 2. An approved project shall be permitted a height increase of
13 up to one story or fifteen (15) feet above the maximum height limit
14 allowed in the zoning where the development site is located. If the
15 zoning where such site is located, or a property adjoining such
16 site, allows for greater building height, the project shall be
17 permitted the greater height.

18 3. Steeples or other non-inhabitable structures that serve an
19 aesthetic or decorative use shall be permitted an additional height
20 allowance of fifteen (15) feet above the maximum height limit
21 established in paragraph 2 of this subsection.

22 4. An approved project shall be permitted a base floor area
23 ratio of two to one (2:1). Projects with areas designated for
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1 ancillary use that include an active ground floor shall receive an
2 additional floor area ratio increase of one-half (1/2).

3 5. An approved project in which forty percent (40%) or more of
4 properties designated for residential use contain two or more
5 bedrooms shall qualify for:

6 a. a floor area ratio increase of one-half (1/2) greater
7 than that established in paragraph 4 of this
8 subsection, and

9 b. a maximum height limit of up to eleven (11) feet
10 greater than that established in paragraph 2 of this
11 subsection.

12 6. Up to one thousand five hundred (1,500) square feet of
13 active ground floor space contained within properties for ancillary
14 use within an approved project shall be exempt from floor area ratio
15 calculations.

16 7. An approved project that preserves existing mature trees
17 located on the development site shall be entitled to a maximum
18 height limit of up to eleven (11) feet greater than that established
19 in paragraph 2 of this subsection.

20 8. An approved project that utilizes public benefit incentives
21 shall be permitted a maximum floor area ratio of three to one (3:1)
22 and a maximum height limit of forty-five (45) feet, except in areas
23 where zoning regulations or municipal standards allow for a greater
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1 floor area ratio or maximum height limit. In such case, the project
2 shall be permitted the greater ratio or limit.

3 9. No minimum parking requirements shall be imposed on any part
4 of an approved project designated for either residential or
5 ancillary use.

6 10. Any setback requirements implemented by a municipality
7 shall remain consistent with local zoning regulations on the
8 development site for an approved project, unless specifically
9 waived.

10 E. 1. No project located on a development site that is within
11 one thousand six hundred (1,600) feet of an area zoned for heavy
12 industrial uses shall be eligible under the provisions of this act.

13 2. No project located on a development site in a designated
14 environmental protection zone, including, but not limited to, a
15 wetlands, wildlife habitat, or area subject to critical
16 environmental regulations, shall be eligible under the provisions of
17 this act.

18 3. A municipality may subject a development site located
19 adjacent to critical infrastructure, including, but not limited to,
20 highways, railroads, or major utility lines, to larger setbacks and
21 additional restrictions to ensure public safety and infrastructure
22 maintenance access.

1 F. 1. No additional municipal ordinance or rule from an entity
2 of this state shall be required to implement the provisions of this
3 act.

4 2. The Oklahoma Housing Finance Agency shall monitor compliance
5 with the provisions of this act and refer instances of noncompliance
6 by municipalities to the Office of the Attorney General, who shall
7 be empowered to take necessary actions to ensure compliance with the
8 provisions of this act.

9 SECTION 4. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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