

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 2139

6 By: Hicks

7 COMMITTEE SUBSTITUTE

8 An Act relating to cities and towns; amending 11 O.S.
9 2021, Section 42-106.1, as amended by Section 1,
10 Chapter 33, O.S.L. 2024 (11 O.S. Supp. 2025, Section
11 42-106.1), which relates to discriminatory
12 restrictive covenants; requiring county clerks to
13 remove discriminatory language from an existing plat
14 through municipal ordinance; requiring certain
15 information be submitted to county clerks; updating
16 statutory language; and providing an effective date.

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

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

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

23 1. The restrictive covenant has been in existence for at least
24 ten (10) years and the amendment is approved by the owners of at
least seventy percent (70%) of the parcels contained in the addition

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

3 2. The restrictive covenant has been in existence for at least
4 fifteen (15) years and the amendment is approved by the owners of at
5 least sixty percent (60%) of the parcels contained in the addition
6 or the amount specified in the restrictive covenant, whichever is
7 less.

8 B. Where a preliminary plat has been filed for a residential
9 addition, the requirements of paragraphs 1 and 2 of subsection A of
10 this section shall include all the parcels contained in the
11 preliminary plat.

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

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

1 parcels contained in the addition and shall be subject to the
2 following:

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

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

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

18 A thirty-day written notice of any meeting called to approve any
19 such amendment shall be provided to the owners of every parcel
20 contained in the residential addition. The notice of such meeting
21 shall be published in a newspaper in the county at least fourteen
22 (14) days before the meeting. The notice shall also be given by
23 publication in the neighborhood newsletter. Each parcel within the
24 addition shall be entitled to one vote. Any amendment approved and

1 recorded pursuant to this subsection may thereafter be revoked by
2 approval of sixty percent (60%) of the record owners of parcels
3 within the addition.

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

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

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

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

22 F. 1. Upon the adoption and recording of an ordinance amending
23 a recorded plat to redact, remove, or strike the discriminatory
24 language from the existing plat, the municipality shall provide the

1 county clerk an Affidavit Regarding Correction of Plats, containing
2 the following:

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

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

21 F. G. An illegal discriminatory restrictive covenant contained
22 on a plat is not enforceable in this state, and all illegal
23 discriminatory restrictive covenants contained in plats recorded in
24 this state are unlawful, unenforceable, and declared null and void.

1 Any illegal discriminatory restrictive covenant contained in an
2 existing plat is extinguished and severed from the plat, with the
3 remainder of such plat remaining enforceable and effective.

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

5
6 60-2-3715 YG 2/20/2026 3:31:29 PM
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24