

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3839

By: Gann

AS INTRODUCED

An Act relating to homesteads; making findings; providing ownership of certain real property unconditional; prohibiting forfeitures; imposing limitations on certain government actions with respect to homestead property; providing for standing to enforce certain remedies; providing for codification; and providing for severability.

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 21 of Title 31, unless there is created a duplication in numbering, reads as follows:

The Legislature finds and declares:

1. That ownership of private property includes the fundamental rights of possession, use, enjoyment, and exclusion, as recognized under Title 31 of the Oklahoma Statutes and Article II, Sections 2 and 23 of the Oklahoma Constitution.

2. That ad valorem taxation of residential real property historically functioned as a conditional burden upon ownership, enforceable through lien and forfeiture.

3. That the passage of State Question 842, eliminating ad valorem taxation on owner-occupied residential real property, represents a material change in the legal nature of residential property ownership in Oklahoma.

4. That upon elimination of such taxation, ownership of residential real property shall no longer be conditional, defeasible, or subject to forfeiture for nonpayment of property taxes.

5. That it is the intent of the Legislature to restore and clarify residential property ownership as a vested property right, not subject to indirect or substitute mechanisms that replicate forfeiture, lien, or dispossession.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 22 of Title 31, unless there is created a duplication in numbering, reads as follows:

A. Triggering Condition.

The provisions of this section shall take effect only upon certification by the Secretary of State that State Question 842 has been approved by the voters.

B. Unconditional Ownership Established.

1. Ownership of owner-occupied residential real property in this state shall be absolute and unconditional, subject only to:

a. voluntary conveyance,

- b. eminent domain exercised in accordance with constitutional requirements,
- c. judicial foreclosure arising from voluntary private debt, or
- d. enforcement of criminal forfeiture pursuant to a final conviction.

2. No state agency, political subdivision, or taxing authority shall treat residential real property ownership as conditional upon payment of any tax, fee, assessment, or charge not expressly authorized by the Oklahoma Constitution.

C. Prohibition on Indirect Forfeiture.

No governmental entity shall:

- 1. Impose any substitute tax, assessment, service charge, lien, penalty, or fee that functions to:
 - a. encumber title,
 - b. condition possession,
 - c. compel forfeiture,
 - d. authorize sale for nonpayment, or
 - e. circumvent the elimination of residential ad valorem taxation.

2. Recharacterize property taxes as fees, special assessments, utility surcharges, or occupancy charges for the purpose of enforcing collection through lien or sale.

D. Limits on Government Remedies.

For owner-occupied residential real property:

1. No lien shall attach for nonpayment of any governmental charge unless:

- a. expressly authorized by the Oklahoma Constitution, and
- b. unrelated to the former ad valorem taxation of residential property.

2. No forced sale, eviction, or dispossession shall occur based solely on failure to pay a governmental charge arising after the effective date of this section.

E. Private Rights Preserved.

Nothing in this section shall impair:

1. Voluntary contractual obligations entered into by the owner;
2. Mortgage, deed of trust, or consensual lien rights;
3. Homeowners' association covenants voluntarily accepted by the owner.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 23 of Title 31, unless there is created a duplication in numbering, reads as follows:

A. Any owner aggrieved by a violation of this act shall have standing to seek:

1. Declaratory relief;
2. Injunctive relief;
3. Quiet title;
4. Recovery of reasonable attorney fees and costs.

B. Sovereign or governmental immunity is waived to the extent necessary to enforce this section.

SECTION 4. The provisions of this act are severable and if any part or provision shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

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