

1 ENGROSSED SENATE
2 BILL NO. 1617

By: Thompson (Kristen) and
Young of the Senate

3 and

4 Pfeiffer of the House

5
6 An Act relating to municipal land; amending 11 O.S.
7 2021, Section 42-106.1, which relates to restrictive
8 covenants on property; providing process for
9 amendment of discriminatory restrictive covenants;
10 declaring certain discriminatory restrictive
11 covenants null and void; and providing an effective
12 date.

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

14 SECTION 1. AMENDATORY 11 O.S. 2021, Section 42-106.1, is
15 amended to read as follows:

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

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

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

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 be approved by
19 the record owners of at least sixty percent (60%) of the parcels
20 contained in the addition and shall be subject to the following:

21 1. The amendment shall provide that participation in the
22 neighborhood association created by the amendment shall not be
23 mandatory for persons who are record owners of parcels within the
24 residential addition at the time the amendment is filed of record,

1 but such participation shall be mandatory for all successors-in-
2 interest of the record owners;

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

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

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

22 E. A municipality may amend an existing plat which was
23 previously filed with the office of the county clerk of the county
24 where the addition is located to remove an illegal discriminatory

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

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

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

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

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

23 SECTION 2. This act shall become effective November 1, 2024.
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1 Passed the Senate the 26th day of February, 2024.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

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8 _____
9 Presiding Officer of the House
10 of Representatives