

1 **SENATE FLOOR VERSION**

2 February 8, 2024

3 SENATE BILL NO. 1617

By: Thompson (Kristen) and
Young of the Senate

4 and

5 Pfeiffer of the House
6

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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1 approval of sixty percent (60%) of the record owners of parcels
2 within the addition.

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

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

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

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

21 F. An illegal discriminatory restrictive covenant contained on
22 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, 2024.

5 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
6 February 8, 2024 - DO PASS
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