

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1713\_\_\_\_

By: David

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5  
6 AS INTRODUCED

7 An Act relating to regulation of residential building  
8 design elements; prohibiting county and municipal  
9 regulation of residential building design elements;  
10 providing certain exceptions to regulation of  
11 building design elements; defining terms; providing  
12 for codification; and declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1000.30 of Title 59, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. A county, municipality, city or town shall not regulate  
18 single-family residential building design elements unless:

19 1. The residential building structure is:

- 20 a. located in an area formally designated and declared as  
21 a local historic district under applicable state law,  
22 b. located in an area designated as a historic district  
23 on the National Register of Historic Places,  
24

- 1 c. designated as a local, state, or national historic  
2 landmark due to its age of over fifty (50) years and  
3 its uniquely historic significance,
- 4 d. located on a property that is governed by a regulation  
5 created by any valid cooperative contractual  
6 agreements between property owners and a county,  
7 municipality, city or town,
- 8 e. located on an existing property that is governed by  
9 the application of a county, municipal, city or town  
10 policy, regulation, or ordinance affecting residential  
11 building design elements and such policy, regulation  
12 or ordinance was duly and properly adopted by the  
13 governing body on an existing property on or before  
14 the effective date of this act but not as to any other  
15 property thereafter,
- 16 f. located on a property that is governed by a policy or  
17 regulation as set forth within a duly adopted tax  
18 increment finance district, or a business improvement  
19 district, or
- 20 g. located on a property that is governed by a policy or  
21 regulation of an overlay zoning district that was  
22 adopted pursuant to applicable state law such as  
23 zoning procedures set forth in Title 11 of the  
24

1 Oklahoma Statutes, and if before the policy or  
2 regulation is implemented:

3 (1) first-class mailed notice is provided directly to  
4 record property owners within the overlay  
5 district,

6 (2) a petition to support the policy or regulation is  
7 attached with signatures of a majority of  
8 property owners, as such majority is determined  
9 by land area of property owners within the  
10 proposed overlay district, and

11 (3) the overlay district makes a fact-based  
12 determination that the policy or regulation  
13 complies with applicable fair housing laws; or

14 2. The regulations are:

- 15 a. directly and substantially related to the requirements  
16 of applicable life safety and building codes,  
17 b. applied to manufactured housing in a manner consistent  
18 with applicable law, or  
19 c. adopted as a condition for participation in the  
20 National Flood Insurance Program.

21 B. As used in this section:

22 1. "Residential building design elements" means:

- 23 a. type or style of exterior cladding or finish  
24 materials,

- b. style or materials of roof structures, roof pitches, or porches,
- c. exterior nonstructural architectural ornamentation,
- d. location, design, placement, or architectural styling of windows and doors, including garage doors and garage structures,
- e. the number and types of rooms,
- f. the interior layout of rooms, and
- g. the minimum square footage of a structure; and

2. "Residential building design elements" does not include:

- a. the height, bulk, orientation, or location of a structure on a lot, or
- b. buffering or screening elements located at the perimeter of the property that are used to:
  - (1) minimize visual impacts,
  - (2) mitigate the impacts of light and noise, or
  - (3) protect the privacy of neighbors.

C. This section does not prohibit or diminish the rights of private parties to enact regulations as created by valid private covenants or other contractual agreements among property owners relating to residential building design elements including restrictive covenants and declarations such as those maintained by owners' associations in real estate developments as created under

1 Section 851 et seq. of Title 60 of the Oklahoma Statutes or under  
2 Section 501 et seq. of Title 60 of the Oklahoma Statutes.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 43-109.3 of Title 11, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. A county, municipality, city or town shall not regulate  
7 single-family residential building design elements unless:

8 1. The residential building structure is:

- 9 a. located in an area formally designated and declared as  
10 a local historic district under applicable state law,  
11 b. located in an area designated as a historic district  
12 on the National Register of Historic Places,  
13 c. designated as a local, state, or national historic  
14 landmark due to its age of over fifty (50) years and  
15 its uniquely historic significance,  
16 d. located on a property that is governed by a regulation  
17 created by any valid cooperative contractual  
18 agreements between property owners and a county,  
19 municipality, city or town,  
20 e. located on an existing property that is governed by  
21 the application of a county, municipal, city or town  
22 policy, regulation, or ordinance affecting residential  
23 building design elements and such policy, regulation  
24 or ordinance was duly and properly adopted by the

1 governing body on an existing property on or before  
2 the effective date of this act but not as to any other  
3 property thereafter,

4 f. located on a property that is governed by a policy or  
5 regulation as set forth within a duly adopted tax  
6 increment finance district, or a business improvement  
7 district, or

8 g. located on a property that is governed by a policy or  
9 regulation of an overlay zoning district that was  
10 adopted pursuant to applicable state law such as  
11 zoning procedures set forth in Title 11 of the  
12 Oklahoma Statutes, and if before the policy or  
13 regulation is implemented:

14 (1) first-class mailed notice is provided directly to  
15 record property owners within the overlay  
16 district,

17 (2) a petition to support the policy or regulation is  
18 attached with signatures of a majority of  
19 property owners, as such majority is determined  
20 by land area of property owners within the  
21 proposed overlay district, and

22 (3) the overlay district makes a fact-based  
23 determination that the policy or regulation  
24 complies with applicable fair housing laws; or

1 2. The regulations are:

- 2 a. directly and substantially related to the requirements
- 3 of applicable life safety and building codes,
- 4 b. applied to manufactured housing in a manner consistent
- 5 with applicable law, or
- 6 c. adopted as a condition for participation in the
- 7 National Flood Insurance Program.

8 B. As used in this section:

9 1. "Residential building design elements" means:

- 10 a. type or style of exterior cladding or finish
- 11 materials,
- 12 b. style or materials of roof structures, roof pitches,
- 13 or porches,
- 14 c. exterior nonstructural architectural ornamentation,
- 15 d. location, design, placement, or architectural styling
- 16 of windows and doors, including garage doors and
- 17 garage structures,
- 18 e. the number and types of rooms,
- 19 f. the interior layout of rooms, and
- 20 g. the minimum square footage of a structure; and

21 2. "Residential building design elements" does not include:

- 22 a. the height, bulk, orientation, or location of a
- 23 structure on a lot, or

1           b. buffering or screening elements located at the  
2           perimeter of the property that are used to:

- 3           (1) minimize visual impacts,  
4           (2) mitigate the impacts of light and noise, or  
5           (3) protect the privacy of neighbors.

6           C. This section does not prohibit or diminish the rights of  
7 private parties to enact regulations as created by valid private  
8 covenants or other contractual agreements among property owners  
9 relating to residential building design elements including  
10 restrictive covenants and declarations such as those maintained by  
11 owners' associations in real estate developments as created under  
12 Section 851 et seq. of Title 60 of the Oklahoma Statutes or under  
13 Section 501 et seq. of Title 60 of the Oklahoma Statutes.

14           SECTION 3. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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