

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 1032 By: Martinez and McBride of the  
3 House  
4 and  
5 Newhouse of the Senate  
6  
7

8 An Act relating to regulation of residential building  
design elements; prohibiting county and municipal  
9 regulation of residential building design elements;  
providing certain exceptions to regulation of  
10 building design elements; defining terms; providing  
for codification; and providing an effective date.  
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13 AMENDMENT NO. 1. Page 1, strike the title to read

14 "[ regulation of residential building design elements  
- county and municipal regulation - exceptions -  
15 codification - effective date ]"  
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1 Passed the Senate the 25th day of April, 2019.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2019.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 1032

By: Martinez and McBride of the  
House

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

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

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

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

20 1. The residential building structure is:

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

- 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 January 1, 2019, but not as to any other property  
15 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

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

- (1) first-class mailed notice is provided directly to record property owners within the overlay district,
- (2) a petition to support the policy or regulation is attached with signatures of a majority of property owners, as such majority is determined by land area of property owners within the proposed overlay district, and
- (3) the overlay district makes a fact-based determination that the policy or regulation complies with applicable fair housing laws; or

2. The regulations are:

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

B. As used in this section:

1. "Residential building design elements" means:

- a. type or style of exterior cladding or finish 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 Chapter 17, Section 851 et seq. of Title 60 of the Oklahoma

1 Statutes, or under the Unit Ownership Estate Act, Section 501 et  
2 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

governing body on an existing property on or before  
January 1, 2019, but not as to any other property  
thereafter,

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

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

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

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

(3) the overlay district makes a fact-based  
determination that the policy or regulation  
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

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  
Chapter 17, Section 851 et seq. of Title 60 of the Oklahoma  
Statutes, or under the Unit Ownership Estate Act, Section 501 et  
seq. of Title 60 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 2019.

Passed the House of Representatives the 11th day of March, 2019.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

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Presiding Officer of the Senate

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