

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2288 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: John Pfeiffer  
\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2288

By: Pfeiffer

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to conveyances; prohibiting  
10 discriminatory restrictive covenants in real estate  
11 transactions; providing discriminatory restrictive  
12 covenants are illegal and unenforceable; providing  
13 for a declaration to remove certain discriminatory  
14 restrictive covenants; providing declaration to  
15 remove certain discriminatory restrictive covenants  
16 form; amending 68 O.S. 2021, which relates to  
17 property deed tax exemptions; exempting declaration  
18 to remove certain discriminatory restrictive  
19 covenants from taxes; providing for codification; and  
20 providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 54 of Title 16, unless there is  
24 created a duplication in numbering, reads as follows:

A person who owns real property or an interest in real property  
for which the title includes a recorded conveyance instrument  
containing an illegal discriminatory restrictive covenants pursuant

1 to the Fair Housing Act, 42 U.S.C. Section 3601 et seq., or another  
2 person with the permission of the owner, may declare that the  
3 discriminatory restrictive covenants are illegal and unenforceable  
4 and should be removed. The declaration shall be filed with the  
5 clerk of the county where the property is located.

6 An illegal discriminatory restrictive covenant is not  
7 enforceable in this state, and all discriminatory restrictive  
8 covenants contained in any real estate transaction, conveyance or  
9 instrument recorded in this state are unlawful, are unenforceable,  
10 and are declared null and void. Any discriminatory restrictive  
11 covenants contained in a previously recorded real estate  
12 transaction, conveyance or instrument is extinguished and severed  
13 from the recorded real estate transaction, conveyance or instrument  
14 and the remainder of the title transaction remains enforceable and  
15 effective.

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 55 of Title 16, unless there is  
18 created a duplication in numbering, reads as follows:

19 Any discriminatory restrictive covenants prohibited by Section 1  
20 of this act may be declared illegal and unenforceable and considered  
21 removed from the instrument by the owner of real property subject to  
22 such restrictive covenants by recording a declaration to remove  
23 certain discriminatory restrictive covenants. The real property  
24 owner may record such declaration:

1 1. Prior to recordation of a deed conveying real property to a  
2 purchaser; or

3 2. When such real property owner discovers that such  
4 discriminatory restrictive covenants exist.

5 Such declaration may be may be prepared without assistance of an  
6 attorney, but such declaration to remove certain discriminatory  
7 restrictive covenants shall conform substantially to the following  
8 form:

9 DECLARATION TO REMOVE CERTAIN DISCRIMINATORY RESTRICTIVE  
10 COVENANTS

11 County where property is located: \_\_\_\_\_

12 Date of Instrument containing discriminatory restrictive  
13 covenants(s): \_\_\_\_\_

14 Instrument Type: \_\_\_\_\_

15 Instrument recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

16 Name(s) of Grantor(s): \_\_\_\_\_

17 Name(s) of Current Owner(s): \_\_\_\_\_

18 Real Property Description: \_\_\_\_\_

19 The discriminatory restrictive covenants contained in the above-  
20 mentioned instrument is declared to be illegal and unlawful and  
21 shall be considered removed from the instrument to the extent that  
22 it contains terms purporting to restrict the ownership or use of the  
23 property as prohibited by Section 1 of this act.

24

1 The undersigned is/are the legal owner(s) of the property described  
2 herein.

3 Signed and delivered this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

4 \_\_\_\_\_  
5 \_\_\_\_\_

6 State of Oklahoma, )

7 ) ss.

8 \_\_\_\_\_ County. )

9 Before me, \_\_\_ in and for this state, on this \_\_\_ day of \_\_\_\_,  
10 \_\_\_\_\_ personally appeared \_\_\_\_\_ to me known to be the  
11 identical person(s) who executed the within and foregoing  
12 instrument, and acknowledged to me that \_\_\_ executed the same as  
13 \_\_\_ free and voluntary act and deed for the uses and purposes  
14 therein set forth.

15 SECTION 3. AMENDATORY 68 O.S. 2021, Section 3202, is  
16 amended to read as follows:

17 Section 3202. The tax imposed by Section 3201 of this title  
18 shall not apply to:

- 19 1. Deeds recorded prior to the effective date of Sections 3201  
20 through 3206 of this title;
- 21 2. Deeds which secure a debt or other obligation;
- 22 3. Deeds which, without additional consideration, confirm,  
23 correct, modify or supplement a deed previously recorded;

24

1           4. Deeds between husband and wife, or parent and child, or any  
2 persons related within the second degree of consanguinity, without  
3 actual consideration therefor, deeds between any person and an  
4 express revocable trust created by such person or such person's  
5 spouse or deeds pursuant to which property is transferred from a  
6 person to a partnership, limited liability company or corporation of  
7 which the transferor or the transferor's spouse, parent, child, or  
8 other person related within the second degree of consanguinity to  
9 the transferor, or trust for primary benefit of such persons, are  
10 the only owners of the partnership, limited liability company or  
11 corporation. However, if any interest in the partnership, limited  
12 liability company or corporation is transferred within one (1) year  
13 to any person other than the transferor or the transferor's spouse,  
14 parent, child, or other person related within the second degree of  
15 consanguinity to the transferor, the seller shall immediately pay  
16 the amount of tax which would have been due had this exemption not  
17 been granted;

18           5. Tax deeds;

19           6. Deeds of release of property which is security for a debt or  
20 other obligation;

21           7. Deeds executed by American Indians in approval proceedings  
22 of the district courts or by the Secretary of the Interior;

23           8. Deeds of partition, unless, for consideration, some of the  
24 parties take shares greater in value than their undivided interests,

1 in which event a tax attaches to each deed conveying such greater  
2 share computed upon the consideration for the excess;

3 9. Deeds made pursuant to mergers of partnerships, limited  
4 liability companies or corporations;

5 10. Deeds made by a subsidiary corporation to its parent  
6 corporation for no consideration other than the cancellation or  
7 surrender of the subsidiary's stock;

8 11. Deeds or instruments to which the State of Oklahoma or any  
9 of its instrumentalities, agencies or subdivisions is a party,  
10 whether as grantee or as grantor or in any other capacity;

11 12. Deeds or instruments to which the United States or any of  
12 its agencies or departments is a party, whether as grantor or as  
13 grantee or in any other capacity, provided that this shall not  
14 exempt transfers to or from national banks or federal savings and  
15 loan associations;

16 13. Any deed executed pursuant to a foreclosure proceeding in  
17 which the grantee is the holder of a mortgage on the property being  
18 foreclosed, or any deed executed pursuant to a power of sale in  
19 which the grantee is the party exercising such power of sale or any  
20 deed executed in favor of the holder of a mortgage on the property  
21 in consideration for the release of the borrower from liability on  
22 the indebtedness secured by such mortgage except as to cash  
23 consideration paid; provided, however, the tax shall apply to deeds  
24

1 in other foreclosure actions, unless otherwise hereinabove exempted,  
2 and shall be paid by the purchaser in such foreclosure actions; ~~or~~

3 14. Deeds and other instruments to which the Oklahoma Space  
4 Industry Development Authority or a spaceport user, as defined in  
5 the Oklahoma Space Industry Development Act, is a party; or

6 15. Declaration to remove certain discriminatory restrictive  
7 covenants pursuant to Section 2 of this act.

8 SECTION 4. This act shall become effective November 1, 2023.

9

10 59-1-7577 JL 03/01/23

11

12

13

14

15

16

17

18

19

20

21

22

23

24