

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2171

By: Pfeiffer

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to unlawful land restriction;  
10                   creating the Oklahoma Uniform Unlawful Restrictions  
11                   in Land Records Act; defining terms; providing that a  
12                   property owner may record an amendment to remove an  
13                   unlawful restriction; providing requirements for an  
14                   owner to file an amendment; providing for an owners  
15                   association to record an amendment to remove an  
16                   unlawful restriction; providing requirements for an  
17                   owners association to file an amendment; providing  
18                   requirements and limitations of an amendment to  
19                   remove an unlawful restriction; providing form for an  
20                   amendment to remove an unlawful restriction;  
21                   providing duties and liability of county clerk for  
22                   recording an amendment to remove an unlawful  
23                   restriction; providing relation to the Electronic  
24                   Signatures in Global and National Commerce Act;  
                 providing for codification; and providing an  
                 effective date.

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

SECTION 1.           NEW LAW           A new section of law to be codified  
in the Oklahoma Statutes as Section 401 of Title 16, unless there is  
created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Oklahoma  
2 Uniform Unlawful Restrictions in Land Records Act".

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 402 of Title 16, unless there is  
5 created a duplication in numbering, reads as follows:

6 As used in this act:

7 1. "Amendment" means a document that removes an unlawful  
8 restriction;

9 2. "Document" means a record recorded or eligible to be  
10 recorded in land records;

11 3. "Governing instrument" means a document recorded in land  
12 records that:

13 a. establishes a governing body responsible for  
14 management of common areas or facilities used by more  
15 than one owner of a property interest affected by the  
16 document, and

17 b. requires contribution, enforceable by a lien on a  
18 separate property interest, of a share of taxes,  
19 insurance premiums, maintenance, or improvement of, or  
20 services or other expenses for the common benefit of,  
21 the real property described in the document;

22 4. "Index" means a system that enables a search for a document  
23 in land records;

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1       5. "Land records" means documents and indexes maintained by a  
2 recorder;

3       6. "Owner" means a person that has a fee interest in real  
4 property;

5       7. "Person" means an individual, estate, business or nonprofit  
6 entity, government or governmental subdivision, agency, or  
7 instrumentality, or other legal entity;

8       8. "Record", used as a noun, means information:

9           a. inscribed on a tangible medium, or

10           b. stored in an electronic or other medium and  
11                retrievable in perceivable form;

12       9. "Recorder" means an officer authorized under other laws of  
13 this state to accept a document for recordation in land records;

14       10. "Remove" means eliminate any apparent or purportedly  
15 continuing effect on title to real property; and

16       11. "Unlawful restriction" means a prohibition, restriction,  
17 covenant, or condition in a document that purports to interfere with  
18 or restrict the transfer, use, or occupancy of real property:

19           a. on the basis of race, color, religion, national  
20                origin, sex, familial status, disability, or other  
21                personal characteristics, and

22           b. in violation of other laws of this state or federal  
23                law.

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1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 403 of Title 16, unless there is  
3 created a duplication in numbering, reads as follows:

4 Except with respect to property to which Section 4 of this act  
5 applies, an owner of real property subject to an unlawful  
6 restriction may submit to the recorder for recordation in the land  
7 records an amendment to remove the unlawful restriction, but only as  
8 to the owner's property.

9 SECTION 4. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 404 of Title 16, unless there is  
11 created a duplication in numbering, reads as follows:

12 A. The governing body of an owners association identified in a  
13 governing instrument may, without a vote of the members of the  
14 association, amend the governing instrument to remove an unlawful  
15 restriction.

16 B. A member of an owners association may request, in a record  
17 that sufficiently identifies an unlawful restriction in the  
18 governing instrument, that the governing body exercise its authority  
19 under subsection A of this section. Not later than ninety (90) days  
20 after the governing body receives the request, the governing body  
21 shall determine reasonably and in good faith whether the governing  
22 instrument includes the unlawful restriction. If the governing body  
23 determines the governing instrument includes the unlawful  
24 restriction, the governing body, not later than ninety (90) days

1 after the determination, shall amend the governing instrument to  
2 remove the unlawful restriction.

3 C. Notwithstanding any provision of the governing instrument or  
4 other laws of this state, the governing body may execute an  
5 amendment under this section.

6 D. An amendment under this section is effective notwithstanding  
7 any provision of the governing instrument or other law of this state  
8 that requires a vote of the members of the owners association to  
9 amend the governing instrument.

10 SECTION 5. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 405 of Title 16, unless there is  
12 created a duplication in numbering, reads as follows:

13 A. An amendment under this act must identify the owner, the  
14 real property affected, and the document containing the unlawful  
15 restriction. The amendment must include a conspicuous statement in  
16 substantially the following form:

17 "This amendment removes from this deed or other document  
18 affecting title to real property an unlawful restriction as defined  
19 under the Oklahoma Uniform Unlawful Restrictions in Land Records  
20 Act. This amendment does not affect the validity or enforceability  
21 of a restriction that is not an unlawful restriction."

22 B. The amendment must be executed and acknowledged in the  
23 manner required for recordation of a document in the land records.  
24 The amendment must be recorded with the county clerk in the county

1 in which the document containing the unlawful restriction is  
2 recorded.

3 C. The amendment does not affect the validity or enforceability  
4 of any restriction that is not an unlawful restriction.

5 D. The amendment or a future conveyance of the affected real  
6 property is not a republication of a restriction that otherwise  
7 would expire by passage of time under other law of this state.

8 SECTION 6. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 406 of Title 16, unless there is  
10 created a duplication in numbering, reads as follows:

11 The following form may be used by an owner to make an amendment  
12 under Section 3 of this act:

13 Amendment by Owner to Remove an Unlawful Restriction  
14 This Amendment is recorded under the Oklahoma Uniform Unlawful  
15 Restrictions in Land Records Act (the Act), by an Owner of an  
16 interest in real property subject to an unlawful restriction as  
17 defined under the Act.

18 (1) Name of Owner: \_\_\_\_\_

19 (2) Owner's property that is subject to the unlawful restriction is  
20 described as follows:

21 Address: \_\_\_\_\_

22 Legal Description: \_\_\_\_\_

23 (3) This Amendment amends the following document:

24 Title of document being amended: \_\_\_\_\_

1 Recording date of document being amended: \_\_\_\_\_

2 Recording information (book/page or instrument number): \_\_\_\_\_

3 This Amendment removes from the document described in paragraph (3)  
4 all unlawful restrictions as defined under the Act. Removal of an  
5 unlawful restriction through this Amendment does not affect the  
6 validity and enforceability of any other restriction that is not an  
7 unlawful restriction as defined under the Act, at the time of filing  
8 this Amendment. This Amendment is not effective if the property is  
9 subject to a governing instrument as defined under the Act.

10 \_\_\_\_\_  
11 Owner's Signature

\_\_\_\_\_ Date

12 Notary Acknowledgment: \_\_\_\_\_

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 407 of Title 16, unless there is  
15 created a duplication in numbering, reads as follows:

16 A. A county clerk shall record an amendment submitted under  
17 this act, add the amendment to the index, and cross-reference the  
18 amendment to the document containing the unlawful restriction.

19 B. A county clerk is not liable for recording an amendment  
20 under this act.

21 SECTION 8. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 408 of Title 16, unless there is  
23 created a duplication in numbering, reads as follows:

1 This act modifies, limits, or supersedes the Electronic  
2 Signatures in Global and National Commerce Act, 15 U.S.C., Section  
3 7001 et seq., as amended, but does not modify, limit, or supersede  
4 15 U.S.C., Section 7001(c), or authorize electronic delivery of any  
5 of the notices described in 15 U.S.C., Section 7003(b).

6 SECTION 9. This act shall become effective November 1, 2025.

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8 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/06/2025 - DO PASS,  
9 As Amended.

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