

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1671____

By: Newhouse

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6 AS INTRODUCED

7 An Act relating to the regulation of residential
8 building design elements; prohibiting county and
9 municipal regulation of certain design elements of
10 residential buildings; stating limitation of
11 regulations; defining terms; providing exceptions;
12 providing for codification; and providing an
13 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 43-109.3 of Title 11, unless
17 there is created a duplication in numbering, reads as follows:

18 A. A municipality, city, or town shall not regulate single-
19 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 state or local historic district under applicable
23 law,

24 b. designated as a local, state, or national historic
25 landmark,

1 c. located on a property that is governed by a regulation
2 created by any valid agreement between property owners
3 and a municipality, city or town, which includes but is
4 not limited to a Planned Unit Development,

5 d. located on a property that is governed by the
6 application of a municipal, city, or town policy,
7 regulation, or ordinance affecting residential building
8 design elements and such policy, regulation or
9 ordinance was duly and properly adopted by the
10 applicable governing body in accordance with applicable
11 law,

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

16 f. located on a property that is governed by a policy or
17 regulation of an overlay zoning district that was
18 adopted pursuant to applicable law; or

19 2. The regulations are:

20 a. directly and substantially related to life safety or
21 building safety, or

22 b. applied to manufactured housing in a manner consistent
23 with applicable law, or
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1 c. adopted as a condition for participation in the
2 National Flood Insurance Program.

3 B. As used in this section:

4 1. "Residential building design elements" means:

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

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

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

23 C. This section does not prohibit or diminish the rights of
24 private parties to enact regulations as created by valid private

1 covenants or other contractual agreements among property owners
2 relating to residential building design elements including
3 restrictive covenants and declarations such as those maintained by
4 owners' associations in real estate developments as created under
5 Section 851 et seq. of Title 60 of the Oklahoma Statutes or under
6 Section 501 et seq. of Title 60 of the Oklahoma Statutes.

7 SECTION 2. This act shall become effective November 1, 2020.

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