

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 226

By: Fry

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5
6 AS INTRODUCED

7 An Act relating to property assessments; amending 60
8 O.S. 2011, Sections 523 and 853, which relate to
9 assessments against owners of certain property;
10 defining term; permitting cause of action for failure
11 to maintain certain common elements; authorizing
award of certain fees and costs; permitting entities
12 to cure after certain notice; directing assessment of
13 certain costs; providing exception to certain levy;
14 construing provisions; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 60 O.S. 2011, Section 523, is
18 amended to read as follows:

19 Section 523. A. Each unit, together with its proportionate
20 interest in the common elements, shall constitute a separate and
21 distinct unit for the purpose of assessment of taxes, special
22 assessments, and other charges which may be lawfully assessed
23 against owners of real property, and each holder of a unit ownership
24 estate shall be liable solely for the amount of taxes against his
individual estate and shall not be affected by the consequences
resulting from the tax delinquency of other unit holders.

1 B. 1. For purposes of this subsection, "drainage common
2 elements" means drainage easements, or stormwater retention or
3 detention areas under the administration, management or control of a
4 council of unit owners pursuant to the Unit Ownership Estate Act.

5 2. If drainage common elements become a nuisance or a danger to
6 the public health, safety or welfare, then the municipality, county,
7 unit owner, or other affected person may file an action in the
8 district court of the county in which the property is situated for
9 damages, injunctive relief, abatement or other available remedies at
10 law. The prevailing party to the action shall be awarded reasonable
11 attorney fees and court costs. The municipality or county, after
12 reasonable notice to the unit owners and a thirty-day opportunity to
13 cure, may enter the drainage common elements and take all actions
14 necessary to remedy the failure to maintain the drainage common
15 elements, as determined at the discretion of the municipality or
16 county. The costs of any remedial action shall be levied against
17 each unit within the unit ownership estate in the ratio provided for
18 in Section 505 of this title. Provided, if the owner of the unit
19 can provide evidence of current dues payment to the council of unit
20 owners, no levy shall be filed. Nothing contained in this
21 subsection shall be construed to require a municipality or county to
22 sell a unit for lack of payment of assessed administration,
23 management or control costs.

1 SECTION 2. AMENDATORY 60 O.S. 2011, Section 853, is
2 amended to read as follows:

3 Section 853. A. Each separately owned lot, parcel or area
4 together with its proportionate interest in the common element,
5 shall constitute a separate and distinct unit; for the purpose of
6 assessment of taxes, special assessments, and other charges which
7 may be lawfully assessed against owners of real property, and each
8 holder of such shall be liable solely for the amount of taxes
9 against his individual estate and shall not be affected by the
10 consequences resulting from the tax delinquency of other unit
11 holders.

12 B. 1. For purposes of this subsection, "drainage common
13 elements" means common areas, common elements or areas of common
14 responsibility that consist of drainage easements, or stormwater
15 retention or detention areas under the administration, management or
16 control of an owners association or the owners of lots, parcels or
17 other areas within a real estate development, as defined by Section
18 851 of this title.

19 2. If drainage common elements become a nuisance or a danger to
20 the public health, safety or welfare, then the municipality, county
21 or any affected person may file an action in the district court of
22 the county in which the real estate development is situated for
23 damages, injunctive relief, abatement or other available remedies at
24 law. The prevailing party to the action shall be awarded reasonable

1 attorney fees and court costs. The municipality or county, after
2 reasonable notice to the property owners and a thirty-day
3 opportunity to cure, may enter the drainage common area and take all
4 actions necessary to remedy the failure to maintain the drainage
5 common area, as determined at the discretion of the municipality or
6 county. The costs of any remedial action shall be levied against
7 each lot, parcel or other area within the real estate development on
8 a pro rata basis. Provided, if the owner of the lot can provide
9 evidence of current dues payment to the owners association, no levy
10 shall be filed. Nothing contained in this subsection shall be
11 construed to require a municipality, county or agent to sell a lot,
12 parcel or other property for lack of payment of assessed
13 administration, management or control costs.

14 SECTION 3. This act shall become effective November 1, 2015.

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