

An Act

ENROLLED SENATE
BILL NO. 1713

By: David of the Senate

and

Martinez of the House

An Act relating to regulation of residential building design elements; prohibiting municipal, city or town regulation of residential building design elements after certain date; providing certain exceptions to regulation of building design elements; defining terms; construing certain prohibitions for certain purposes; providing for codification; and declaring an emergency.

SUBJECT: Regulation of residential building design elements

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 43-109.3 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. Beginning on and after the effective date of this act, a municipality, city or town shall not adopt or impose new single-family residential building design elements or implement new policies that have the effect of creating new single-family residential building design element regulations, unless:

1. The residential building structure is:

- a. located in an area formally designated and declared as a state or local historic district under applicable law,

- b. designated as a local, state or national historic landmark,
- c. located on a property that is governed by a regulation created by any valid negotiated zoning ordinance which serves to indicate mutual consent between property owners and a municipality, city or town, which includes but is not limited to a Planned Unit Development,
- d. located on a property that is governed by the application of a municipal, city, or town policy, regulation or ordinance affecting the public safety of residential building design elements and such policy, regulation or ordinance was duly and properly adopted by the applicable governing body in accordance with applicable law,
- e. 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,
- f. located on a property that is governed by a policy or regulation of an overlay or a special purpose zoning district that is adopted pursuant to applicable law, or
- g. located in an existing neighborhood designated as a blighted area or redevelopment district; or

2. The regulations are:

- a. directly and substantially related to life safety or building safety, or
- b. applied to manufactured housing in a manner consistent with applicable state or federal 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

Section 851 et seq. of Title 60 of the Oklahoma Statutes or under Section 501 et seq. of Title 60 of the Oklahoma Statutes.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 12th day of March, 2020.

Presiding Officer of the Senate

Passed the House of Representatives the 15th day of May, 2020.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____