

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2800

By: Marti

6 AS INTRODUCED

7 An Act relating to property; requiring the retention  
8 of certain documents; requiring accessibility to  
9 certain documents; providing time frame to provide  
10 documents to certain parties; requiring notification  
11 to homeowners of adoption of an update of a covenant,  
12 condition, or restriction by an owners association;  
13 providing for disclosing of certain fees; limiting  
14 fee amounts; prohibiting fee for certain document;  
15 providing that a title insurance company shall  
16 include a letter from the owners association to the  
17 property owner, at cost to the title insurance  
18 company, which declares the property in good  
19 standing; providing for fees of good standing  
20 documents; providing certain disclosure document to  
21 be provided by certain parties upon a title  
22 commitment; providing fee for providing certain  
23 disclosure documents; providing that a buyer has a  
24 certain time to withdraw from a contract for sale;  
prohibiting the restrictive covenants which limit the  
fair economic use of a property; requiring an owners  
association to issue to a title company a letter  
stating that a homeowner is in good standing;  
requiring the disclosure by certain parties of the  
fee structure surrounding operation of an owners  
association and any potential charges to homeowner;  
requiring the disclosure by certain parties of the  
fines for violations of the homeowners association's  
covenants, conditions, and restrictions; limiting how  
many times a fine structure may be updated; requiring  
certain notification of certain meeting; amending 60  
O.S. 2021, Section 857, which relates to copies of  
recorded covenants and restrictions; modifying  
terminology; providing for codification; and  
providing an effective date.

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

3 SECTION 1. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 857.1 of Title 60, unless there  
5 is created a duplication in numbering, reads as follows:

6 A copy or a certified copy of all the recorded covenants,  
7 conditions, and restrictions of a real estate development shall be  
8 retained by the managing entity of a real estate development and  
9 shall be accessible within a reasonable amount of time, not to exceed  
10 seventy-two (72) hours beyond receipt of request, to all parties to a  
11 home transaction or a property owner whose property falls within  
12 such development.

13 SECTION 2. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 857.2 of Title 60, unless there  
15 is created a duplication in numbering, reads as follows:

16 Notification to all homeowners within an owners association's  
17 jurisdiction shall be required of an owners association within five  
18 (5) business days upon adoption of an update of covenants,  
19 conditions, and restrictions.

20 SECTION 3. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 857.3 of Title 60, unless there  
22 is created a duplication in numbering, reads as follows:

23 All entities tasked with managing an owners association shall  
24 disclose individual fees assessed by an owners association or a

1 third-party management company and the limit on each individual fee  
2 shall be no more than One Hundred Seventy-five Dollars (\$175.00).

3       Upon request of documents reporting the condition of a property  
4 for sale, a homeowner shall not be charged a fee for a report on said  
5 property.

6           SECTION 4.        NEW LAW        A new section of law to be codified  
7 in the Oklahoma Statutes as Section 857.4 of Title 60, unless there  
8 is created a duplication in numbering, reads as follows:

9           Prior to a homebuyer closing on a home and within fourteen (14)  
10 days of request, a title insurance company shall include a letter  
11 from the owners association to the property owner, at cost to the  
12 title insurance company, which shall declare the property in good  
13 standing. Subsequent letters requested of and provided by the title  
14 company may be accompanied by charges to the homeowner at a rate not  
15 to exceed Fifty Dollars (\$50.00) for each completed request.

16           SECTION 5.        NEW LAW        A new section of law to be codified  
17 in the Oklahoma Statutes as Section 857.5 of Title 60, unless there  
18 is created a duplication in numbering, reads as follows:

19           Upon the implementation of a title commitment, a title insurance  
20 company shall include a packet of information which has the most  
21 recent updated version of the covenants, conditions, and restrictions  
22 of the development in which the property is located and shall  
23 include the development's restrictions to which the property is  
24 subject. It shall be the responsibility of the title company to

1 verify and disclose the information to the property owner as a  
2 condition of verifying that the title to the property is free and  
3 clear. A title insurance company may charge a fee for production of  
4 the covenants, conditions, and restrictions, not to exceed One  
5 Hundred Fifty Dollars (\$150.00).

6 SECTION 6. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 857.6 of Title 60, unless there  
8 is created a duplication in numbering, reads as follows:

9       A buyer shall have an unrestricted right to withdraw from a  
10 contract for sale within five (5) days of the receipt of the  
11 covenants, conditions, and restrictions or the financials of the  
12 owners association to the purchaser or purchaser's agent.

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 857.7 of Title 60, unless there  
15 is created a duplication in numbering, reads as follows:

16       An owners association shall not pass restrictive covenants which  
17 limit the fair economic use of a property, including the right to  
18 rent a property either long-term or short-term or as the office of  
19 an in-home business.

20 SECTION 8. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 857.8 of Title 60, unless there  
22 is created a duplication in numbering, reads as follows:  
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1       An owners association shall issue a letter to the title company  
2 ensuring that a homeowner is in good standing with regard to dues  
3 and any outstanding assessments or fines, to be updated quarterly.

4       SECTION 9.       NEW LAW       A new section of law to be codified  
5 in the Oklahoma Statutes as Section 857.9 of Title 60, unless there  
6 is created a duplication in numbering, reads as follows:

7           Owner associations or managing entities of owners associations  
8 shall delineate in documents for the association the fee structure  
9 surrounding operation of the owners association and any potential  
10 charges to homeowners arising therefrom.

11       SECTION 10.      NEW LAW       A new section of law to be codified  
12 in the Oklahoma Statutes as Section 857.10 of Title 60, unless there  
13 is created a duplication in numbering, reads as follows:

14           Homeowners associations or managing entities of homeowners  
15 associations shall delineate in documents for the association the  
16 schedule of fines for violations of the homeowners association's  
17 covenants, conditions, and restrictions. Updates to fine structures  
18 shall not occur more than once per calendar year at a meeting on a  
19 predetermined date. Homeowners shall be notified of such meetings  
20 under requirements set forth under Title 18 of the Oklahoma  
21 Statutes.

22       SECTION 11.      AMENDATORY      60 O.S. 2021, Section 857, is  
23 amended to read as follows:

1       Section 857. ~~A copy Copies~~ or ~~a certified copy copies~~ of all  
2 the recorded covenants and restrictions of a real estate development  
3 along with any addendums to these documents shall be provided by the  
4 title company closing the sale to the buyer of property in the real  
5 estate development as a part of the closing of the real estate sale.  
6 The buyer may be charged no more than Twenty-five Dollars (\$25.00)  
7 for the ~~copy copies~~, and the ~~copy copies~~ shall either be provided  
8 prior to or at the time of closing either by mail to the buyer's  
9 last-known address, hand-delivered or electronically delivered.

10      SECTION 12. This act shall become effective November 1, 2025.

12      60-1-12189           JL           01/15/25