

1 ENGROSSED HOUSE  
2 BILL NO. 2171

By: Pfeiffer and Waldron of the  
House

3 and

4 Thompson of the Senate

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7  
8 An Act relating to unlawful land restriction;  
9 creating the Oklahoma Uniform Unlawful Restrictions  
10 in Land Records Act; defining terms; providing that a  
11 property owner may record an amendment to remove an  
12 unlawful restriction; providing requirements for an  
13 owner to file an amendment; providing for an owners  
14 association to record an amendment to remove an  
15 unlawful restriction; providing requirements for an  
16 owners association to file an amendment; providing  
17 requirements and limitations of an amendment to  
18 remove an unlawful restriction; providing form for an  
19 amendment to remove an unlawful restriction;  
20 providing duties and liability of county clerk for  
21 recording an amendment to remove an unlawful  
22 restriction; providing relation to the Electronic  
23 Signatures in Global and National Commerce Act;  
24 providing for codification; and providing an  
effective date.

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

26 SECTION 1. NEW LAW A new section of law to be codified

27 in the Oklahoma Statutes as Section 401 of Title 16, unless there is  
28 created a duplication in numbering, reads as follows:

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

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 402 of Title 16, unless there is  
3 created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Amendment" means a document that removes an unlawful  
6 restriction;

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

9 3. "Governing instrument" means a document recorded in land  
10 records that:

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

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

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

22 5. "Land records" means documents and indexes maintained by a  
23 recorder;

1       6. "Owner" means a person that has a fee interest in real  
2 property;  
3       7. "Person" means an individual, estate, business or nonprofit  
4 entity, government or governmental subdivision, agency, or  
5 instrumentality, or other legal entity;

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

- 7           a. inscribed on a tangible medium, or  
8           b. stored in an electronic or other medium and  
9                   retrievable in perceivable form;

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

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

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

- 17           a. on the basis of race, color, religion, national  
18                   origin, sex, familial status, disability, or other  
19                   personal characteristics, and  
20           b. in violation of other laws of this state or federal  
21                   law.

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

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

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

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

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

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

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

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

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

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

20          B. The amendment must be executed and acknowledged in the  
21 manner required for recordation of a document in the land records.  
22 The amendment must be recorded with the county clerk in the county  
23 in which the document containing the unlawful restriction is  
24 recorded.

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

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

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

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

11                  Amendment by Owner to Remove an Unlawful Restriction

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

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

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

19                  Address: \_\_\_\_\_

20                  Legal Description: \_\_\_\_\_

21 (3) This Amendment amends the following document:

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

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

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

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

8 \_\_\_\_\_

9 Owner's Signature \_\_\_\_\_ Date

10 Notary Acknowledgment: \_\_\_\_\_

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

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

17 B. A county clerk is not liable for recording an amendment  
18 under this act.

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

22 This act modifies, limits, or supersedes the Electronic  
23 Signatures in Global and National Commerce Act, 15 U.S.C., Section  
24 7001 et seq., as amended, but does not modify, limit, or supersede

1 15 U.S.C., Section 7001(c), or authorize electronic delivery of any  
2 of the notices described in 15 U.S.C., Section 7003(b).

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

4 Passed the House of Representatives the 13th day of March, 2025.

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6 \_\_\_\_\_  
7 Presiding Officer of the House  
of Representatives

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9 Passed the Senate the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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12 Presiding Officer of the Senate

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