

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2209 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Todd Russ

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2209

By: Russ

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to property; amending 60 O.S. 2011,
9 Section 852, which relates to owners associations;
10 requiring biannual meetings; requiring disclosure of
11 financial information by owners associations; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 60 O.S. 2011, Section 852, is
15 amended to read as follows:

16 Section 852. A. An "owners association" may be formed by the
17 owner or owners of real estate development for the purpose of:

18 1. Providing management, maintenance, preservation and control
19 of commonly owned areas or any portion of or interest in them;
20 and/or

21 2. Enforcing all mutual, common or reciprocal interests in or
22 restrictions upon all or portions of such separately owned lots,
23 parcels, or areas, or both.

1 B. An owners association shall be formed by the execution of an
2 instrument signed and acknowledged by all owners of the real
3 property included. Such instrument shall set forth in detail the
4 nature of the obligations of the members and shall be filed of
5 record in the office of the county clerk of the county wherein the
6 real property is located. The instrument shall include a
7 description of said real property.

8 C. The owners association shall have the power to enforce any
9 obligation in connection with membership in the owners association
10 by means of a levy or assessment which may become a lien upon the
11 separately or commonly owned lots, parcels or areas of defaulting
12 owners or members, which said lien may be foreclosed in any manner
13 provided by law for the foreclosure of mortgages or deeds of trust,
14 with or without a power of sale. In an action brought to enforce
15 any lien authorized pursuant to the provisions of this section, the
16 prevailing party shall be entitled to recover reasonable attorney's
17 fees to be fixed by the court, which shall be taxed as costs in the
18 action. No lien may be placed or mortgage foreclosed unless the
19 homeowner was informed in writing upon joining the owners
20 association of the existence and content of the owners association
21 restrictions and rules, and of the potential for financial liability
22 to the individual owner by joining said owners association.

23 D. An owners association shall meet biannually with the second
24 meeting taking place in the sixth month after the first meeting. At

1 each meeting, the owners association shall disclose all financial
2 statements and financial data including detailed information
3 regarding revenues and expenditures.

4 E. An owners association shall provide the financial
5 information described in subsection D of this section to any member
6 of the owners association upon request.

7 SECTION 2. This act shall become effective November 1, 2019.

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9 57-1-8184 LRB 02/24/19

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