

HOUSE BILL NO. 181

INTRODUCED BY E. ARNTZEN

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A CONDOMINIUM UNIT TO BE COUNTED INDIVIDUALLY FOR PURPOSES OF A MUNICIPAL ZONING PROTEST; AMENDING SECTION 76-2-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-305, MCA, is amended to read:

"76-2-305. Alteration of zoning regulations -- protest. (1) A regulation, restriction, and boundary may be amended, supplemented, changed, modified, or repealed. The provisions of 76-2-303 relative to public hearings and official notice apply equally to all changes or amendments.

(2) An amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city or town council or legislative body of the municipality if a protest against a change pursuant to subsection (1) is signed by the owners of 25% or more of:

(a) the area of the lots included in any proposed change; or

(b) those lots or units, as defined in 70-23-102, 150 feet from a lot included in a proposed change.

(3) (A) FOR PURPOSES OF SUBSECTION (2), EACH UNIT OWNER IS ENTITLED TO HAVE THE PERCENTAGE OF THE UNIT OWNER'S UNDIVIDED INTEREST IN THE COMMON ELEMENTS OF THE CONDOMINIUM, AS EXPRESSED IN THE DECLARATION, INCLUDED IN THE CALCULATION OF THE PROTEST. IF THE PROPERTY, AS DEFINED IN 70-23-102, SPANS MORE THAN ONE LOT, THE PERCENTAGE OF THE UNIT OWNER'S UNDIVIDED INTEREST IN THE COMMON ELEMENTS MUST BE MULTIPLIED BY THE TOTAL NUMBER OF LOTS UPON WHICH THE PROPERTY IS LOCATED.

(B) THE PERCENTAGE OF THE UNIT OWNER'S UNDIVIDED INTEREST MUST BE CERTIFIED AS CORRECT BY THE UNIT OWNER SEEKING TO PROTEST A CHANGE PURSUANT TO SUBSECTION (2) OR BY THE PRESIDING OFFICER OF THE ASSOCIATION OF UNIT OWNERS."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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