

SENATE BILL NO. 476

INTRODUCED BY E. BOLDMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING HOUSING DISCRIMINATION BASED ON SOURCE OF INCOME; PROVIDING A DEFINITION OF "SOURCE OF INCOME"; AND AMENDING SECTION 49-2-305, MCA."

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

Section 1. Section 49-2-305, MCA, is amended to read:

"49-2-305. Discrimination in housing -- exemptions. (1) It is an unlawful discriminatory practice for the owner, lessor, or manager having the right to sell, lease, or rent a housing accommodation or improved or unimproved property or for any other person:

(a) to refuse to sell, lease, or rent the housing accommodation or property to a person because of sex, marital status, race, creed, religion, color, age, familial status, physical or mental disability, source of income, or national origin;

(b) to discriminate against a person because of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, source of income, or national origin in a term, condition, or privilege relating to the use, sale, lease, or rental of the housing accommodation or property;

(c) to make an inquiry of the sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, source of income, or national origin of a person seeking to buy, lease, or rent a housing accommodation or property for the purpose of discriminating on the basis of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, source of income, or national origin;

(d) to refuse to negotiate for a sale or to otherwise make unavailable or deny a housing accommodation or property because of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, source of income, or national origin;

(e) to represent to a person that a housing accommodation or property is not available for inspection, sale, or rental because of that person's sex, marital status, race, creed, religion, age, familial status,

1 physical or mental disability, color, source of income, or national origin when the housing accommodation or
2 property is in fact available; or

3 (f) for profit, to induce or attempt to induce a person to sell or rent a housing accommodation or
4 property by representations regarding the entry or prospective entry into the neighborhood of a person or
5 persons of a particular sex, marital status, race, creed, religion, age, familial status, physical or mental
6 disability, color, source of income, or national origin.

7 (2) The rental of sleeping rooms in a private residence designed for single-family occupancy in
8 which the owner also resides is excluded from the provisions of subsection (1), provided that the owner rents
9 no more than three sleeping rooms within the residence.

10 (3) It is an unlawful discriminatory practice to make, print, or publish or cause to be made, printed,
11 or published any notice, statement, or advertisement that indicates any preference, limitation, or discrimination
12 that is prohibited by subsection (1) or any intention to make or have a prohibited preference, limitation, or
13 discrimination.

14 (4) It is an unlawful discriminatory practice for a person to discriminate because of a physical or
15 mental disability of a buyer, lessee, or renter; a person residing in or intending to reside in or on the housing
16 accommodation or property after it is sold, leased, rented, or made available; or any person associated with
17 that buyer, lessee, or renter:

18 (a) in the sale, rental, or availability of the housing accommodation or property;

19 (b) in the terms, conditions, or privileges of a sale or rental of the housing accommodation or
20 property; or

21 (c) in the provision of services or facilities in connection with the housing accommodation or
22 property.

23 (5) (a) For purposes of subsections (1) and (4), discrimination because of physical or mental
24 disability includes:

25 (i) refusal to permit, at the expense of the person with a disability, reasonable modifications of
26 existing premises occupied or to be occupied by the person with a disability if the modifications may be
27 necessary to allow the person full enjoyment of the premises, except that in the case of a lease or rental, the
28 landlord may, when it is reasonable to do so, condition permission for a modification on the lessee's or renter's

1 agreement to restore the interior of the premises to the condition that existed before the modification, except for
2 reasonable wear and tear;

3 (ii) refusal to make reasonable accommodations in rules, policies, practices, or services when the
4 accommodations may be necessary to allow the person equal opportunity to use and enjoy a housing
5 accommodation or property; or

6 (iii) except as provided in subsection (5)(b), in connection with the design and construction of a
7 covered multifamily housing accommodation, a failure to design and construct the housing accommodation in a
8 manner that:

9 (A) provides at least one accessible building entrance on an accessible route;

10 (B) makes the public use and common use portions of the housing accommodation readily
11 accessible to and usable by a person with a disability;

12 (C) provides that all doors designed to allow passage into and within all premises within the
13 housing accommodation are sufficiently wide to allow passage by a person with a disability who uses a
14 wheelchair; and

15 (D) ensures that all premises within the housing accommodation contain the following features:

16 (I) an accessible route into and through the housing accommodation;

17 (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible
18 locations;

19 (III) reinforcements in bathroom walls to allow later installation of grab bars; and

20 (IV) usable kitchens and bathrooms that allow an individual who uses a wheelchair to maneuver
21 about the space.

22 (b) A covered multifamily housing accommodation that does not have at least one building
23 entrance on an accessible route because it is impractical to do so due to the terrain or unusual characteristics
24 of the site is not required to comply with the requirements of subsection (5)(a)(iii).

25 (6) For purposes of subsection (5), the term "covered multifamily housing accommodation" means:

26 (a) a building consisting of four or more dwelling units if the building has one or more elevators;
27 and

28 (b) ground floor units in a building consisting of four or more dwelling units.

1 (7) (a) It is an unlawful discriminatory practice for any person or other entity whose business
 2 includes engaging in residential real estate-related transactions to discriminate because of sex, marital status,
 3 race, creed, religion, age, familial status, physical or mental disability, color, source of income, or national origin
 4 against a person in making available a transaction or in the terms or conditions of a transaction.

5 (b) For purposes of this subsection (7), the term "residential real estate-related transaction" means
 6 any of the following:

7 (i) the making or purchasing of loans or providing other financial assistance:

8 (A) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation or
 9 property; or

10 (B) secured by residential real estate; or

11 (ii) the selling, brokering, or appraising of residential real property.

12 (8) It is an unlawful discriminatory practice to deny a person access to or membership or
 13 participation in a multiple-listing service; real estate brokers' organization; or other service, organization, or
 14 facility relating to the business of selling, leasing, or renting housing accommodations or property or to
 15 discriminate against the person in the terms or conditions of access, membership, or participation because of
 16 sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national
 17 origin.

18 (9) It is an unlawful discriminatory practice to coerce, intimidate, threaten, or interfere with a person
 19 in the exercise or enjoyment of or because of the person having exercised or enjoyed or having aided or
 20 encouraged any other person in the exercise or enjoyment of a right granted or protected by this section.

21 (10) The prohibitions of this section against discrimination because of age and familial status do not
 22 extend to housing for older persons. "Housing for older persons" means housing:

23 (a) provided under any state or federal program specifically designed and operated to assist
 24 elderly persons;

25 (b) intended for, and solely occupied by, persons 62 years of age or older; or

26 (c) intended and operated for occupancy by at least one person 55 years of age or older per unit in
 27 accordance with the provisions of 42 U.S.C. 3607(b)(2)(C) and (b)(3) through (b)(5), as those provisions read
 28 on March 31, 1996.

