

HOUSE BILL NO. 531

INTRODUCED BY E. LIESER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING EXEMPTIONS FOR SUBDIVISIONS FOR RENT OR LEASE AND FOR TOWNHOUSES; ALLOWING A GOVERNING BODY TO EXEMPT SUBDIVISIONS CREATED BY RENT OR LEASE FROM LOCAL SUBDIVISION REVIEW IF ZONING HAS BEEN ADOPTED; REMOVING THE ALLOWED EXEMPTION FOR TOWNHOUSES; AND AMENDING SECTIONS 70-23-301, 76-3-203, AND 76-3-208, MCA."

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

Section 1. Section 70-23-301, MCA, is amended to read:

"70-23-301. Contents of declaration. A declaration must contain:

- (1) a description of the land, whether leased or in fee simple, on which the building is located or is to be located;
- (2) the name by which the property will be known and a general description of the building, including the number of stories and basements, the number of units, and the principal materials of which it is constructed;
- (3) the unit designation, location, approximate area of each unit, and any other data necessary for proper identification;
- (4) a description of the general common elements and the percentage of the interest of each unit owner in the common elements;
- (5) a description of the limited common elements, if any, stating to which units their use is reserved and in what percentage;
- (6) a statement of the use for which the building and each of the units is intended;
- (7) the name of a person to receive service of process in the cases provided in 70-23-901 and the residence or place of business of the person, which must be within the county in which the property is located;
- (8) an exhibit containing certification from the applicable local government that the condominiums, ~~townhomes, or townhouses~~ are either exempt from review under 76-3-203 or certification that the condominiums, townhomes, or townhouses have been approved following review under Title 76, chapter 3, parts 5 and 6; and
- (9) any other details regarding the property that the person executing the declaration considers

1 desirable."

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3 **NEW SECTION. Section 2. Subdivisions exempted if zoning adopted.** A governing body may
4 exempt subdivisions created by rent or lease, including but not limited to accessory residential units, mobile home
5 parks, recreational vehicle parks, guest cottage developments, temporary or permanent employee housing
6 developments, and multifamily residential developments, from the provisions of this chapter if the governing body
7 has adopted zoning regulations under Title 76, chapter 2, that include standards for uses of property that create
8 subdivisions by rent or lease.

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10 **Section 3.** Section 76-3-203, MCA, is amended to read:

11 **"76-3-203. Exemption for certain condominiums.** Condominiums, ~~townhomes, or townhouses, as~~
12 ~~those terms are~~ as defined in 70-23-102, that are constructed on land subdivided in compliance with parts 5 and
13 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

14 (1) the approval of the original subdivision of land expressly contemplated the construction of the
15 condominiums, ~~townhomes, or townhouses~~ and any applicable park dedication requirements in 76-3-621 are
16 complied with; or

17 (2) the condominium, ~~townhome, or townhouse~~ proposal is in conformance with applicable local zoning
18 regulations when local zoning regulations are in effect."

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20 **Section 4.** Section 76-3-208, MCA, is amended to read:

21 **"76-3-208. Subdivisions exempted from surveying and filing requirements but subject to review**
22 **provisions.** ~~(1) Subdivisions~~ Except as provided in subsection (2), subdivisions created by rent or lease are
23 exempt from the surveying and filing requirements of this chapter but must be submitted for review and approved
24 by the governing body before portions ~~thereof~~ of the property may be rented or leased.

25 (2) A governing body may exempt subdivisions created by rent or lease from all provisions of this chapter
26 as provided in [section 2]."

27

28 **NEW SECTION. Section 5. Codification instruction.** [Section 2] is intended to be codified as an
29 integral part of Title 76, chapter 3, part 2, and the provisions of Title 76, chapter 3, part 2, apply to [section 2].

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