

HOUSE BILL NO. 474

INTRODUCED BY T. WINTER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MOBILE HOME LANDLORD AND TENANT LAWS; REQUIRING A MOVING ALLOWANCE TO BE PAID TO MOBILE HOME LOT TENANTS WHEN A CHANGE OF USE FOR THE PREMISES IS GRANTED AND THE TENANT HAS LESS THAN 10 MONTHS' NOTICE TO MOVE; PROHIBITING RENTAL AGREEMENTS FROM REQUIRING TENANTS TO USE SPECIFIC MOBILE HOME MOVING COMPANIES; AMENDING SECTIONS 70-33-202 AND 70-33-433, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."

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

NEW SECTION. Section 1. Change in use -- moving allowance. (1) When a landlord plans to change the use of all or part of the premises from mobile home lot rentals to some other use and if the rental agreement is terminated within the 10-month notice period specified in 70-33-433(2)(b), the landlord shall pay a moving allowance to a tenant with a rental agreement specified in subsection (2)(a) equal to 10 months' rent or \$5,000, whichever is more.

(2) (a) Except as provided in subsection (2)(b), the allowance must be paid to each tenant with a rental agreement, regardless of the term of the rental agreement, in effect on the date that the unit of local government authorizes the requested change of use. If more than one unit of local government must authorize the change of use, then the allowance must be paid to each tenant with a current rental agreement in effect on the date that the last unit of local government authorizes the requested change of use.

(b) If a rental agreement is terminated for noncompliance by the tenant pursuant to 70-33-433(1)(a) through (1)(k), subject to 70-33-433(3), the landlord is not obliged to pay the moving allowance.

(3) The allowance must be paid no later than 14 days after the date that the change of use is authorized as specified in subsection (2).

(4) For the purposes of calculating "10 months' rent" in subsection (1), the amount must be prorated based on the actual amount of time the tenant has occupied the premises and paid rent during the 10-month period prior to the date of termination of the rental agreement.

1 **Section 2.** Section 70-33-202, MCA, is amended to read:

2 **"70-33-202. Prohibited provisions in rental agreements.** (1) A rental agreement may not require a
3 party to:

4 (a) waive or forego rights or remedies under this chapter;

5 (b) authorize any person to confess judgment on a claim arising out of the rental agreement; ~~or~~

6 (c) agree to the exculpation or limitation of liability resulting from the other party's purposeful misconduct
7 or negligence or to indemnify the other party for that liability or related costs or attorney fees; or

8 (d) require a tenant to use one or more specific mobile home moving companies.

9 (2) A rental agreement or a related document may not permit the receipt of rent free of the obligation to
10 comply with the provisions of 70-33-303."

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12 **Section 3.** Section 70-33-433, MCA, is amended to read:

13 **"70-33-433. Grounds for termination of rental agreement.** (1) If there is a noncompliance by the
14 tenant with the rental agreement or with a provision of 70-33-321, the landlord may deliver a written notice to the
15 tenant pursuant to 70-33-106 specifying the acts or omissions constituting the noncompliance and stating that
16 the rental agreement will terminate upon the date specified in the notice that may not be less than the minimum
17 number of days after receipt of the notice provided for in this section. The rental agreement terminates as
18 provided in the notice for one or more of the following reasons and subject to the following conditions:

19 (a) nonpayment of rent, late charges, or common area maintenance fees as established in the rental
20 agreement, for which the notice period is 7 days;

21 (b) a violation of a rule other than provided for in subsection (1)(a) that does not create an immediate
22 threat to the health and safety of any other tenant or the landlord or manager, for which the notice period is 14
23 days;

24 (c) a violation of a rule that creates an immediate threat to the health and safety of any other tenant or
25 the landlord or manager, for which the notice period is 24 hours;

26 (d) late payment of rent, late charges, or common area maintenance fees, as established in the rental
27 agreement, three or more times within a 12-month period if written notice is given by the landlord after each failure
28 to pay, as required by subsection (1)(a), for which the notice period for termination for the final late payment is
29 30 days;

30 (e) a violation of a rule that creates an immediate threat to the health and safety of any other tenant or

1 the landlord or manager whether or not notice was given pursuant to subsection (1)(c) and the violation was
 2 remedied as provided in subsection (3), for which the notice period is 14 days;

3 (f) two or more violations within a 12-month period of the same rule for which notice has been given for
 4 each prior violation, as provided in subsection (1)(a), (1)(b), or (1)(c), for which the notice period for the final
 5 violation is 30 days;

6 (g) two or more violations of 70-33-321(1) within a 12-month period, for which the notice period for the
 7 final violation is 14 days;

8 (h) any violation of 70-33-321(3), for which the notice period is as provided in 70-33-422(1);

9 (i) disorderly conduct that results in disruption of the rights of others to the peaceful enjoyment and use
 10 of the premises, for which the notice period is 30 days;

11 (j) any other noncompliance or violation not covered by subsections (1)(a) through (1)(i) that endangers
 12 other tenants or mobile home park personnel or the landlord or manager or causes substantial damage to the
 13 premises, for which the notice period is 14 days;

14 (k) conviction of the mobile home owner or a tenant of the mobile home owner of a violation of a federal
 15 or state law or local ordinance, when the violation is detrimental to the health, safety, or welfare of other tenants
 16 or the landlord or manager or the landlord's documentation of a violation of the provisions of Title 45, chapter 9,
 17 for which the notice period is 14 days;

18 (l) changes in the use of the land if the requirements of subsection (2) are met, for which the notice
 19 period is ~~480~~ 300 days;

20 (m) any legitimate business reason not covered elsewhere in this subsection (1) if the landlord meets
 21 the following requirements:

22 (i) the termination does not violate a provision of this section or any other state statute; and

23 (ii) the landlord has given the mobile home owner or tenant of the mobile home owner a minimum of 90
 24 days' written notice of the termination.

25 (2) If a landlord plans to change the use of all or part of the premises from mobile home lot rentals to
 26 some other use, each affected mobile home owner must receive notice from the landlord as follows:

27 (a) The landlord shall give the mobile home owner and a tenant of the mobile home owner at least 15
 28 days' written notice that the landlord will be appearing before a unit of local government to request permits for
 29 a change of use of the premises.

30 (b) After all required permits requesting a change of use have been approved by the unit of local

1 government, the landlord shall give the mobile home owner and a tenant of the mobile home owner ~~6~~ 10 months'
 2 written notice of termination of tenancy. If the change of use does not require local government permits, the
 3 landlord shall give the written notice at least ~~6~~ 10 months prior to the change of use. In the notice the landlord
 4 shall disclose and describe in detail the nature of the change of use.

5 (c) Prior to entering a rental agreement during the ~~6-month~~ 10-month notice period referred to in
 6 subsection (2)(b), the landlord shall give each prospective mobile home owner and any tenant of the mobile home
 7 owner whose identity and address have been provided to the landlord written notice that the landlord is requesting
 8 a change in use before a unit of local government or that a change in use has been approved.

9 (3) Subject to the right to terminate in subsections (1)(d) through (1)(k), if the noncompliance described
 10 in subsections (1)(a) through (1)(c) is remediable by repairs, the payment of damages, or otherwise and the
 11 tenant adequately remedies the noncompliance before the date specified in the notice, the rental agreement does
 12 not terminate as a result of that noncompliance.

13 (4) For purposes of calculating the total number of notices given within a 12-month period under
 14 subsection (1)(d), only one notice for each violation per month may be included in the calculation."
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16 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
 17 integral part of Title 70, chapter 33, part 3, and the provisions of Title 70, chapter 33, part 3, apply to [section 1].
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19 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.
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21 **NEW SECTION. Section 6. Applicability.** (1) [Section 1] applies to situations in which a landlord is
 22 required to give the 10-month notice pursuant to 70-33-433(2) on or after [the effective date of this act].

23 (2) [Section 2] applies to rental agreements entered into or renewed on or after [the effective date of this
 24 act].

25 (3) [Section 3] applies to notice required to be given on or after [the effective date of this act].
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27 **NEW SECTION. Section 7. Saving clause.** [This act] does not affect rights and duties that matured,
 28 penalties that were incurred, or proceedings that were begun before [the effective date of this act].
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