

HOUSE JOINT RESOLUTION NO. 61

INTRODUCED BY S. BERGLEE

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF COMMON INTEREST ASSOCIATIONS IN MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, Montana law does not provide standards for the creation or administration of a common interest association governing real property that is not a condominium.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the need for and creation of a state common interest association act.

BE IT FURTHER RESOLVED, that the study:

- (1) identify current oversight of common interest associations in the state, if any exists;
- (2) identify issues and concerns related to common interest associations and those they represent;
- (3) examine methods to consolidate and clarify applicable existing statutes;
- (4) develop a uniform set of definitions for all common interest associations;
- (5) identify the rights and responsibilities of all parties involved in a common interest association;
- (6) identify and develop minimum provisions for the governance and maintenance of all common interest associations; and
- (7) establish clear guidelines for community rules, open meeting rules, assessment imposition and collection, community manager standards, budget and reserve account management, and dispute resolution.

BE IT FURTHER RESOLVED, that the study include information and participation from:

- (1) existing common interest associations and owners of property subject to existing common interest associations;
- (2) state agencies and local governments;
- (3) representatives from appropriate industries, including builders, realtors, developers, title companies,



1 and banks and other lenders; and

2 (4) any other person or entity that the committee considers appropriate.

3 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be  
4 presented to and reviewed by an appropriate committee designated by the Legislative Council.

5 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
6 requirements, be concluded prior to September 15, 2020.

7 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
8 comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

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