



AN ACT PROHIBITING A LOCAL GOVERNMENT FROM REQUIRING HOUSING FEES OR THE DEDICATION OF REAL PROPERTY FOR THE PURPOSES OF PROVIDING HOUSING FOR SPECIFIED INCOME LEVELS OR SALE PRICES; PROHIBITING ZONING REGULATIONS THAT REQUIRE HOUSING FEES OR THE DEDICATION OF REAL PROPERTY FOR THE PURPOSES OF PROVIDING HOUSING FOR SPECIFIED INCOME LEVELS OR SALE PRICES; AMENDING SECTIONS 7-2-4203, 76-2-203, AND 76-2-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Housing fees and dedication of real property prohibited. (1) A local governing body may not adopt a resolution under this part that includes a requirement to:

(a) pay a fee for the purpose of providing housing for specified income levels or at specified sale prices; or

(b) dedicate real property for the purpose of providing housing for specified income levels or at specified sale prices.

(2) A dedication of real property as prohibited in subsection (1)(b) includes a payment or other contribution to a local housing authority or the reservation of real property for future development of housing for specified income levels or specified sale prices.

Section 2. Housing fees and dedication of real property prohibited. (1) A local governing body may not require, as a condition for approval of a subdivision under this part:

(a) the payment of a fee for the purpose of providing housing for specified income levels or at specified sale prices; or

(b) the dedication of real property for the purpose of providing housing for specified income levels or

at specified sale prices.

(2) A dedication of real property as prohibited in subsection (1)(b) includes a payment or other contribution to a local housing authority or the reservation of real property for future development of housing for specified income levels or specified sale prices.

Section 3. Section 7-2-4203, MCA, is amended to read:

"7-2-4203. Imposition of conditions for approval of addition. (1) The council has power by ordinance to compel the owners of these additions to lay out streets, avenues, and alleys, ~~so as to have the same that~~ correspond in width and direction and be ~~are~~ are continuations of the streets, avenues, and alleys in the city or town or in the addition ~~thereto~~ contiguous to or near the proposed addition.

(2) The owner of any addition has no rights or privileges unless the owner complies with the terms and conditions of the ordinance ~~are complied with~~ and the plat ~~thereof~~ thereof has been submitted to and approved by, ~~and endorsed by~~ the mayor and council ~~and such approval endorsed thereon.~~

(3) The council may not compel the owner of an addition to:

(a) pay a fee for the purpose of providing housing for specified income levels or at specified sale prices; or

(b) dedicate real property for the purpose of providing housing for specified income levels or at specified sale prices.

(4) A dedication of real property as prohibited in subsection (3)(b) includes a payment or other contribution to a local housing authority or the reservation of real property for future development of housing for specified income levels or specified sale prices."

Section 4. Section 76-2-203, MCA, is amended to read:

"76-2-203. Criteria and guidelines for zoning regulations. (1) Zoning regulations must be:

(a) made in accordance with the growth policy; and

(b) designed to:

(i) secure safety from fire and other dangers;

(ii) promote public health, public safety, and general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the board of county commissioners shall consider:

(a) reasonable provision of adequate light and air;

(b) the effect on motorized and nonmotorized transportation systems;

(c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

(4) Zoning regulations may not include a requirement to:

(a) pay a fee for the purpose of providing housing for specified income levels or at specified sale prices; or

(b) dedicate real property for the purpose of providing housing for specified income levels or at specified sale prices.

(5) A dedication of real property as prohibited in subsection (4)(b) includes a payment or other contribution to a local housing authority or the reservation of real property for future development of housing for specified income levels or specified sale prices."

Section 5. Section 76-2-302, MCA, is amended to read:

"76-2-302. Zoning districts. (1) For the purposes of 76-2-301, the local city or town council or other legislative body may divide the municipality into districts of the number, shape, and area as are considered best suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

(2) All regulations must be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in 15-1-101.

(5) This section may not be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2.

(6) Zoning regulations may not include a requirement to:

(a) pay a fee for the purpose of providing housing for specified income levels or at specified sale prices; or

(b) dedicate real property for the purpose of providing housing for specified income levels or at specified sale prices.

(7) A dedication of real property as prohibited in subsection (6)(b) includes a payment or other contribution to a local housing authority or the reservation of real property for future development of housing for specified income levels or specified sale prices."

Section 6. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 76, chapter 3, part 5, and the provisions of Title 76, chapter 3, part 5, apply to [section 2].

Section 7. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 259, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 259

INTRODUCED BY S. VINTON, M. BLASDEL, S. FITZPATRICK, C. FRIEDEL, C. GLIMM, D. KARY, K. REGIER, C. SMITH, G. VANCE, L. BREWSTER, E. BUTTREY, J. DOOLING, F. FLEMING, S. GIST, C. HINKLE, J. HINKLE, M. HOPKINS, B. MERCER, M. NOLAND, V. RICCI, K. SEEKINS-CROWE, D. SKEES, M. STROMSWOLD, J. TREBAS, B. TSCHIDA, K. WHITMAN, K. ZOLNIKOV

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