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HOUSE BILL NO. 187

INTRODUCED BY A. BUCKLEY, J. GILLETTE, S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: “AN ACT ~~ESTABLISHING~~ CLARIFYING THAT CHILD CARE IS A RESIDENTIAL USE OF PROPERTY AND A RESIDENTIAL PURPOSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND AN APPLICABILITY DATE.”

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

NEW SECTION. Section 1. Home based HOME-BASED child care. Unless the clear and express terms of a covenant provide otherwise, providing PROVIDING FOR RESIDENTIAL PROPERTY SUBJECT TO A COVENANT, PROVIDING child care IN A FAMILY DAY-CARE HOME AS DEFINED IN 52-2-703 OR A GROUP DAY-CARE HOME AS DEFINED IN 52-2-703 Unless the clear and express terms of a covenant provide otherwise, providing child care is a residential use of property and is a residential purpose.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 70, chapter 17, part 2, and the provisions of Title 70, chapter 17, part 2, apply to [section 1].

NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to covenants on residential property in existence before [the effective date of this act] that do not clearly and expressly address child care.

