

1 HOUSE BILL NO. 732  
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5 HASTINGS

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 7 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LANDLORD-TENANT LAWS;  
 8 PROVIDING FOR REMOVAL OF AN UNAUTHORIZED PERSON OR TRESPASSER; PROVIDING A  
 9 DEFINITION OF "AUTHORIZATION"; REVISING MOBILE HOME LAWS; ~~REVISING LANDLORD DUTIES;~~  
 10 REVISING LAWS FOR DISPOSITION OF ABANDONED PROPERTY; AMENDING SECTIONS 50-52-101, 70-  
 11 33-103, ~~70-33-303~~, 70-33-430, 70-33-432, 70-33-433, AND 70-33-434, MCA; AND PROVIDING AN  
 12 IMMEDIATE EFFECTIVE DATE."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15  
 16 **NEW SECTION. Section 1. Removal of unauthorized person or trespasser.** (1) An unauthorized  
 17 person or trespasser has no legal right to occupy, enter, or trespass on a premises. A person who cannot  
 18 produce authorization allowing the person to occupy a premises is an unauthorized person or trespasser for the  
 19 purposes of this section and may be removed from the premises immediately by law enforcement.

20 (2) As used in this section, "authorization" includes:

21 (a) a written rental agreement entitling the person to occupy the premises; and

22 (b) written or verbal authorization actually given from the landlord or a tenant if the person is a  
23 guest of the tenant.

24  
25 **Section 2.** Section 50-52-101, MCA, is amended to read:

26 **"50-52-101. Definitions.** As used in this chapter, unless the context clearly indicates otherwise, the  
27 following definitions apply:

28 (1) "Campground" means a parcel of land available to and principally used by the public for

- 1 (a) enters or remains after being asked to leave by the landlord and does not receive written
- 2 permission by the landlord to remain on the premises;
- 3 (b) is in violation of 45-6-201;
- 4 (c) is in violation of 45-6-203; or
- 5 (d) is in violation of 70-27-102."

6

7 **Section 4.** Section 70-33-303, MCA, is amended to read:

8 ~~"70-33-303. Landlord to maintain premises — agreement that tenant perform duties. (1) A~~  
9 ~~landlord shall:~~

10 ~~(a) comply with the requirements of applicable building, housing, and health department codes~~  
11 ~~materially affecting health and safety at the time of original construction;~~

12 ~~(b)(a) make repairs and do whatever is necessary to put and keep the premises in a fit and habitable~~  
13 ~~condition except when it is the tenant's responsibility to maintain the dwelling unit pursuant to 70-33-321;~~

14 ~~(c)(b) keep all common areas of the premises in a clean and safe condition;~~

15 ~~(d)(c) for the premises, maintain in good and safe working order and condition all electrical, plumbing,~~  
16 ~~sanitary, heating, ventilating, air conditioning, and other facilities and appliances, including elevators, supplied~~  
17 ~~or required to be supplied by the landlord;~~

18 ~~(e)(d) unless otherwise provided in a rental agreement, provide and maintain appropriate receptacles~~  
19 ~~and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of~~  
20 ~~the lot and arrange for their removal; and~~

21 ~~(f)(e) supply running water at all times unless the lot is not required by law to be equipped for that~~  
22 ~~purpose or the running water is generated by an installation within the exclusive control of the tenant.~~

23 ~~(2) If the duty imposed by subsection (1)(a) is greater than a duty imposed by subsections (1)(b)~~  
24 ~~through (1)(f), a landlord's duty must be determined by reference to subsection (1)(a).~~

25 ~~(3)(2) A landlord and tenant may agree in writing that the tenant is to perform the landlord's duties~~  
26 ~~specified in subsections (1)(e) (1)(d) and (1)(f) (1)(e) but only if the agreement is entered into in good faith and~~  
27 ~~not for the purpose of evading the obligations of the landlord.~~

28 ~~(4)(3) A landlord and tenant may agree that the tenant is to perform specified repairs, maintenance~~

1 ~~tasks, alterations, or remodeling only if:~~

2 ~~(a) the agreement of the parties is entered into in good faith and not for the purpose of evading the~~  
3 ~~obligations of the landlord and is set forth in a separate writing signed by the parties and supported by~~  
4 ~~adequate consideration; and~~

5 ~~(b) the work is not necessary to cure noncompliance with subsection (1)(a); and~~

6 ~~(c)(b) the agreement does not diminish the obligation of the landlord to other tenants."~~

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8 **Section 4.** Section 70-33-430, MCA, is amended to read:

9 **"70-33-430. Disposition of abandoned personal property.** (1) (a) If a tenancy terminates by court  
10 order, the personal property is considered abandoned and the landlord may immediately dispose of the  
11 personal property ~~as allowed by law.~~

12 (b) If a tenancy terminates in any manner other than by court order, if the landlord reasonably  
13 believes that the tenant has abandoned all personal property that the tenant has left on the premises, and if at  
14 least 48 hours have elapsed since the occurrence of the events upon which the landlord has based the belief of  
15 abandonment, the landlord may remove the property from the premises.

16 (2) The landlord shall inventory and store all personal property of the tenant in a place of  
17 safekeeping and shall exercise reasonable care for the property. The landlord may charge a reasonable  
18 storage and labor charge if the property is stored by the landlord, plus the cost of removal of the property to the  
19 place of storage. The landlord may store the property in a commercial storage company, in which case the  
20 storage cost includes the actual storage charge plus the cost of removal of the property to the place of storage.

21 (3) After complying with subsections (1) and (2), the landlord shall:

22 (a) make a reasonable attempt to notify the tenant in writing that the property must be removed  
23 from the place of safekeeping;

24 (b) notify the local law enforcement office of the property held by the landlord;

25 (c) make a reasonable effort to determine if the property is secured or otherwise encumbered; and

26 (d) send a notice by certified mail to the last-known address of the tenant and each known party  
27 having a lien or encumbrance of record, stating that at a specified time, not less than 15 days after mailing the  
28 notice, the property will be disposed of if not removed.