



AN ACT GENERALLY REVISING RENTAL LAWS; REVISING LAW FOR REFUSAL OF ACCESS; REVISING ACTION FOR POSSESSION PROCEDURE; REVISING REMEDIES; AMENDING SECTIONS 70-24-424, 70-24-427, 70-24-429, 70-33-424, 70-33-427, AND 70-33-429, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 70-24-424, MCA, is amended to read:

"70-24-424. Refusal of access -- landlord's remedies. (1) If the tenant refuses to allow lawful access, the landlord may ~~either issue a 24-hour notice to correct or obtain immediate~~ immediate injunctive relief to compel access ~~or terminate the rental agreement~~. In either case, the landlord may recover actual damages. If the 24-hour notice to correct is not remedied, the landlord may issue a 3-day notice to terminate the rental agreement.

(2) If a tenant removes a lock or replaces or adds a lock not supplied by the landlord to the premises and fails to provide a key as required by 70-24-312(5), the landlord may ~~either issue a 24-hour notice to correct or obtain immediate injunctive relief or terminate the rental agreement~~. If the 24-hour notice to correct is not remedied, the landlord may issue a 3-day notice to terminate the rental agreement."

Section 2. Section 70-24-427, MCA, is amended to read:

"70-24-427. Landlord's remedies after termination -- action for possession. (1) If the rental agreement is terminated, the landlord has a claim for possession ~~and for rent, and a separate claim for actual damages for any breach of the rental agreement.~~

(2) ~~(a) An~~ (a) Except as provided in subsection (2)(b), an action filed pursuant to subsection (1) in a court must be heard within ~~44~~ 10 business days after the tenant's appearance or the answer date stated in the summons, except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the

~~action must be heard within 5 business days after the tenant's appearance or the answer date stated in the summons except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the action must be heard within 5 business days after the tenant's appearance or the answer date stated in the summons.~~ If the action is appealed to the district court, the hearing must be held within 44 10 business days after the case is transmitted to the district court, except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the action must be heard within 5 business days after the case is transmitted to the district court, ~~except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the hearing must be held within 5 business days after the case is transmitted to the district court.~~

(b) A hearing for damages for any breach of the rental agreement must be held within 45 days after the claim of possession and rent has been adjudicated.

(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in subsection (2) without the necessity of an undertaking.

(4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the action ~~within 5 days after~~ within 5 days after the hearing. If a landlord's claim for possession is granted, the court shall issue a writ of possession and a writ of assistance immediately. The writ of assistance must be executed by the sheriff:

(a) within 5 business days of the sheriff receiving the writ of assistance, excluding of the date of receipt by the sheriff; or

(b) at a time no more than 5 business days after the sheriff receives the writ of assistance or as otherwise agreed to by the landlord and the sheriff."

Section 3. Section 70-24-429, MCA, is amended to read:

"70-24-429. Holdover remedies -- consent to continued occupancy -- tenant's response to service in action for possession. (1) If the tenant remains in possession without the landlord's consent after expiration of the term of the rental agreement or its termination, the landlord may bring an action for possession.

(2) ¶ If the term is longer than month-to-month and the landlord terminates the rental agreement

with cause and the tenant's holdover is purposeful and not in good faith, the landlord may recover an amount not more than 3 months' periodic rent or treble damages, whichever is greater.

(3) If the term of the rental is month-to-month and the landlord terminates the rental agreement without cause and issues a lawful 30-day notice and the tenant remains in the rental unit after the termination date, then the holdover is purposeful and the landlord may recover an amount not more than 3 months' periodic rent or treble damages, whichever is greater.

~~(2)~~(4) In an action for possession or unlawful holdover, the provisions of the Montana Justice and City Court Rules of Civil Procedure, Title 25, chapter 23, apply, except that the time for filing an answer under Rule 4C(2)(b) is ~~40~~5 business days after service of summons and complaint, exclusive of the date of service.

~~(3)~~(5) If the landlord consents to the tenant's continued occupancy, 70-24-201(2)(e) applies."

Section 4. Section 70-33-424, MCA, is amended to read:

"70-33-424. Refusal of access -- landlord's remedies. (1) If the tenant refuses to allow lawful access, the landlord may ~~either issue a 24-hour notice to correct or obtain immediate~~ injunctive relief to compel access or terminate the rental agreement. In either case, the landlord may recover actual damages. If the 24-hour notice to correct is not remedied, the landlord may issue a 3-day notice to terminate the rental agreement.

(2) If a tenant removes a lock or replaces or adds a lock not supplied by the landlord to the premises and fails to provide a key as required by 70-33-312(5), the landlord may ~~either issue a 24-hour notice to correct or obtain immediate~~ injunctive relief or terminate the rental agreement. If the 24-hour notice to correct is not remedied, the landlord may issue a 3-day notice to terminate the rental agreement."

Section 5. Section 70-33-427, MCA, is amended to read:

"70-33-427. Landlord's remedies after termination -- action for possession. (1) If the rental agreement is terminated, the landlord has a claim for possession ~~and for rent, and a separate claim for actual damages for any breach of the rental agreement.~~

(2) (a) ~~An~~ Except as provided in subsection (2)(c), an action filed pursuant to subsection (1) in a court must be heard within ~~20~~10 business days after the tenant's appearance or the answer date stated in the summons, except that if the rental agreement is terminated because of noncompliance under 70-33-321(4), the

~~action must be heard within 5 business days after the tenant's appearance or the answer date stated in the summons except that if the rental agreement is terminated because of noncompliance under 70-33-321(4), the action must be heard within 5 business days after the tenant's appearance or the answer date stated in the summons.~~

(b) If the action is appealed to the district court, the hearing must be held within ~~20~~10 business days after the case is transmitted to the district court, ~~except that if the rental agreement is terminated because of noncompliance under 70-33-321(4), the hearing must be held within 5 business days after the case is transmitted to district court,~~ except that if the rental agreement is terminated because of noncompliance under 70-33-321(4), the hearing must be held within 5 business days after the case is transmitted to the district court.

(c) A hearing for damages for any breach of the rental agreement must be held within 45 days after the claim of possessions and rent has been adjudicated.

(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in subsection (2) without the necessity of an undertaking.

(4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the action ~~within 5 days after~~ within 5 days after the hearing. If a landlord's claim for possession is granted, the court shall issue a writ of possession immediately."

Section 6. Section 70-33-429, MCA, is amended to read:

"70-33-429. Holdover remedies -- consent to continued occupancy. (1) If the tenant remains in possession without the landlord's consent after expiration of the term of the rental agreement or other termination of the rental agreement, the landlord may bring an action for possession.

(2) ~~If~~ If the term is longer than month-to-month and the landlord terminates the agreement with cause and the tenant's holdover is purposeful and not in good faith, the landlord may recover an amount of not more than 3 months' rent or treble damages, whichever is greater.

(3) If the term of the rental is month-to-month and the landlord terminates the rental agreement without cause and issues a lawful 30-day notice and the tenant remains in the rental unit after the termination date, then the holdover is purposeful and the landlord may recover an amount not more than 3 months' periodic rent or treble damages, whichever is greater.

~~(2)~~(3) In an action for possession or unlawful holdover, the provisions of the Montana Justice and City Court Rules of Civil Procedure, Title 25, chapter 23, apply, except that the time for filing an answer under Rule 4C(2)(b) is ~~40~~5 business days after service of summons and complaint, exclusive of the date of service.

~~(3)~~(4) If the landlord consents to the tenant's continued occupancy, 70-33-201(2)(e) applies."

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

- END -

I hereby certify that the within bill,
HB 282, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 282

INTRODUCED BY S. GALLOWAY, F. ANDERSON, J. SCHILLINGER, S. ESSMANN, S. VINTON, L. REKSTEN, L. SHELDON-GALLOWAY, T. MOORE, L. BREWSTER, B. MERCER, N. NICOL, M. BINKLEY, B. LER, A. REGIER, F. NAVE, R. MARSHALL, E. BUTTREY, D. LOGE, B. KEENAN, C. HINKLE, J. READ, M. HOPKINS, J. GILLETTE, G. OBLANDER, J. BERGSTROM, T. BROCKMAN, M. YAKAWICH, T. MANZELLA, B. USHER, M. NOLAND, C. FRIEDEL, P. GREEN, G. KMETZ, T. FALK, D. ZOLNIKOV, J. ETCHART, W. RUSK, J. TREBAS, B. PHALEN, B. CARTER, L. DEMING, T. SMITH, R. KNUDSEN

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