

1 SENATE BILL NO. 331  
2 INTRODUCED BY G. HERTZ  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXEMPTION LAW FOR CERTAIN CONDOMINIUMS  
5 AND TOWNHOUSES; AMENDING SECTION 76-3-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
6 DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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10 **Section 1.** Section 76-3-203, MCA, is amended to read:

11 **"76-3-203. Exemption for certain condominiums and townhouses.** (1) Condominiums,  
12 townhomes, townhouses, or conversions, as those terms are defined in 70-23-102, constructed on land  
13 subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are  
14 exempt from the provisions of this chapter if:

15 ~~(1)~~(a) the approval of the original subdivision of land expressly contemplated the construction of the  
16 condominiums, townhomes, or townhouses and any applicable park dedication requirements in 76-3-621 are  
17 complied with; or

18 ~~(2)~~(b) the condominium, townhome, or townhouse proposal is in conformance with applicable local  
19 zoning regulations pertaining to land use, density, setbacks, height, lot coverage, BULK AND DIMENSIONAL  
20 REQUIREMENTS, landscaping, and parking requirements when local zoning regulations are in effect.

21 (2) A determination whether the condominium, townhome, townhouse, or conversion proposal is  
22 exempt from the provisions of this chapter must be made by the governing body OR THE AGENT OR AGENCY  
23 DESIGNATED BY THE GOVERNING BODY within 20 working days of the receipt of an application containing all  
24 materials and information required by the governing body to complete the determination.

25 (3) The governing body may not enact regulations prohibiting the townhome form of ownership or  
26 impose conditions on a determination that the condominium, townhome, townhouse, or conversion proposal is  
27 exempt from the provisions of this chapter, and may not require the condominium, townhome, townhouse, or  
28 conversion proposal to undergo a conditional use permit or other quasi-judicial governmental review process

1 pursuant to regulations adopted pursuant to Title 76, chapter 2, as a prerequisite to determining eligibility for an  
2 exemption from the provisions of this chapter."

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4 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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