



AN ACT 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:

Section 1. Home-based child care. 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 is a residential use of property and is a residential purpose.

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].

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.

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

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.

Section 6. Applicability. [This act] applies to covenants on residential property adopted on or after

[the effective date of this act] that do not clearly and expressly address child care.

- END -

I hereby certify that the within bill,
HB 187, 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. 187

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

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.