

1 HOUSE BILL NO. 277
 2 INTRODUCED BY B. CLOSE, J. REAVIS, B. EDWARDS, J. ISALY, M. LEE, P. STRAND, J. SECKINGER, J.
 3 WEBER, J. SOOKTIS, M. CUNNINGHAM, S. ROSENZWEIG, E. MATTHEWS, T. RUNNING WOLF, M. FOX,
 4 D. BAUM, M. CAFERRO, B. CARTER, J. COHENOUR, N. DURAM, T. FRANCE, D. HAWK, J. KARLEN, C.
 5 KEOGH, K. KORTUM, M. ROMANO, E. STAFMAN, K. SULLIVAN, Z. ZEPHYR, M. MARLER, S. DEMAROIS,
 6 D. JOY

7
 8 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A MINIMUM LEASE TERM FOR A MOBILE HOME
 9 PARK LOT RENTAL; AND AMENDING SECTIONS 70-33-201 AND 70-33-429, MCA."

10
 11 WHEREAS, Montana residents currently face a housing crisis that includes a lack of affordable housing
 12 and lack of available mobile home park spaces; and

13 WHEREAS, mobile homes are not "mobile" without substantial moving costs and the potential for
 14 substantial damage to the mobile home; and

15 WHEREAS, current statute allows for month-to-month lease terms for mobile home lot rentals, a period
 16 that is too short to provide housing stability and security; and

17 WHEREAS, a minimum lease term of 2 years for a mobile home lot rental provides housing security for
 18 Montana citizens and also allows tenants to qualify for additional funding programs that result in increased
 19 homeownership.

20
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22
 23 **Section 1.** Section 70-33-201, MCA, is amended to read:

24 **"70-33-201. Rental agreements.** (1) A landlord and a tenant may include in a rental agreement terms
 25 and conditions not prohibited by this chapter or other rule or law.

26 (2) Unless the rental agreement provides otherwise:

27 (a) the tenant shall pay as rent the rental value for the use and occupancy of the lot as determined
 28 by the landlord;

1 (b) rent is payable at the landlord's address or using electronic funds transfer to an account
2 designated for the payment of rent by the landlord;

3 (c) periodic rent is payable at the beginning of a term that is a month or less and otherwise in
4 equal monthly installments at the beginning of each month;

5 (d) rent is uniformly apportionable from day to day;

6 (e) the tenancy is ~~from month to month~~; for a minimum of a 2-year term unless otherwise
7 requested by the tenant in a documented, informed waiver signed by the tenant; and

8 (f) if either party terminates the rental agreement without cause prior to the expiration date of the
9 lease term, the aggrieved party is entitled to monetary damages up to 1 month's rent or an amount that is
10 agreed on in the rental agreement, which may not exceed 1 month's rent. Landlords shall follow 70-33-426(2)
11 and are entitled to rent from defaulting tenants up to the date a new tenancy starts or the date the rental
12 agreement term expires.

13 (3) Rent is payable without demand or notice at the time and place agreed ~~upon~~on by the parties
14 or as provided by subsection (2)."

15

16 **Section 2.** Section 70-33-429, MCA, is amended to read:

17 **"70-33-429. Holdover remedies -- consent to continued occupancy.** (1) If the tenant remains in
18 possession without the landlord's consent after expiration of the term of the rental agreement or other
19 termination of the rental agreement, the landlord may bring an action for possession.

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

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

27 (4) In an action for possession or unlawful holdover, the provisions of the Montana Justice and City
28 Court Rules of Civil Procedure, Title 25, chapter 23, apply, except that the time for filing an answer under Rule

1 4C(2)(b) is 5 business days after service of summons and complaint, exclusive of the date of service.

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

4 - END -