69th Legislature 2025 HB 325.1

1	HOUSE BILL NO. 325
2	INTRODUCED BY S. FITZPATRICK
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COVENANT LAWS; AND AMENDING SECTION 70-17-
5	210, MCA."
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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9	Section 1. Section 70-17-210, MCA, is amended to read:
10	"70-17-210. Covenant enforcement and abandonment. (1) An association or any party to an
11	interest in land subject to a covenant, condition, or restriction The following persons may initiate a legal action
12	to enforce covenants, conditions, or restrictions- :
13	(a) a party to an agreement containing real property covenants, conditions, or restrictions or the
14	party's successors in interest;
15	(b) the owner of an interest in real property burdened or benefited by a covenant, condition, or
16	restriction; or
17	(c) a homeowners' association or other governing body of a real property development subject to
18	covenants, conditions, or restrictions.
19	(2) A parcel The owner of an interest in real property subject to a covenant, condition, or restriction
20	may assert a defense that a covenant, condition, or restriction has been abandoned for purposes of
21	enforcement by offering evidence that no enforcement action has been undertaken for the prescribed period in
22	27-2-202. Once a covenant, condition, or restriction is abandoned by a court order or agreed to have been
23	abandoned by the approval of the appropriate association or governing body, by recording a notice of
24	abandonment or amendment in the office of the county clerk and recorder of the county where the
25	developmentproperty is situated, all persons are precluded from undertaking a different interpretation or
26	enforcement action of the abandoned covenant, condition, or restriction against a similarly situated parcel
27	owner in the same development of an interest in real property subject to the abandoned covenant, condition, or
28	restriction.



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1 (3) (a) Except as provided in subsection (3)(b), an association or governing body of a real property 2 development that has not met for a period of 15 years is prohibited from taking an enforcement action against a 3 parcel owner the owner of an interest in real property subject to a covenant, condition, or restriction whose use 4 of the parcel property is substantially similar to the nature and scope of the use of other parcels properties in 5 the development. 6 Covenants, conditions, and restrictions are still valid and enforceable under this subsection (3) (b) 7 if they are otherwise necessary: 8 (i) to comply with applicable federal, state, and local laws, ordinances, and regulations; 9 (ii) for an easement or right-of-way; 10 (iii) for the maintenance of infrastructure or improvements in the development serving the real 11 properties burdened or benefited by the covenants, conditions, or restrictions; 12 to comply with a court order or the approval provided by a government on the establishment of (iv) 13 the covenants, conditions, and restrictions; 14 for the installation, maintenance, or removal of utilities; or (v) 15 (vi) to abate a nuisance." 16 - END -

