

HOUSE BILL NO. 350

INTRODUCED BY P. WEBB

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS CONCERNING RESIDENTIAL AND MOBILE HOME LOT RENTAL AGREEMENTS; REVISING DEFAULT EXTENSION PERIOD TERMS, VALUE OF RENTALS, AND DEFAULT METHODS OF RENT PAYMENT; AMENDING SECTIONS 70-24-201, 70-24-205, AND 70-33-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 70-24-201, MCA, is amended to read:

"70-24-201. Rental agreement -- terms and conditions. (1) A landlord and a tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule or law, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties.

(2) Unless the rental agreement provides otherwise:

(a) the tenant shall pay as rent the fair rental value for the use and occupancy of the dwelling unit as determined by the landlord;

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

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

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

(e) the tenancy is week to week in the case of a roomer who pays weekly rent and in all other cases month to month.

(3) Rent is payable without demand or notice at the time and place agreed upon by the parties or provided for by subsection (2) ~~of this section.~~"

Section 2. Section 70-24-205, MCA, is amended to read:

"70-24-205. Extension of written rental agreements. ~~(1) Prior to signing a written rental agreement, the landlord and tenant shall agree to accept a default extension period for the lease chosen by the tenant~~



1 pursuant to subsection (2) that is to be given effect if a revised lease is not agreed to or if neither party gives a
 2 30-day written notice of termination to the other prior to the rental agreement's original termination date:

3 ~~———(2) The tenant shall choose from a list of default options, including but not limited to renewal for an
 4 additional term of equal length as the original term, renewal for a set term that is not of equal length as the original
 5 term, renewal on a month-to-month basis, or termination of the tenancy.~~

6 ~~———(3) If neither party gives a 30-day written notice to the other as to the extension or termination of the
 7 tenancy, the mutually agreed upon default option takes effect immediately following the termination of the original
 8 rental agreement.~~

9 ~~———(4) If the landlord and tenant fail to establish a default option at the beginning of the tenancy as required
 10 in subsection (1) a default extension period for the lease in the rental agreement and neither party gives a 30-day
 11 written notice to the other to terminate the tenancy before the rental agreement's original termination date, the
 12 tenancy continues on a month-to-month basis."~~

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14 **Section 3.** Section 70-33-201, MCA, is amended to read:

15 **"70-33-201. Rental agreements.** (1) A landlord and a tenant may include in a rental agreement terms
 16 and conditions not prohibited by this chapter or other rule or law.

17 (2) Unless the rental agreement provides otherwise:

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

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

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

24 (d) rent is uniformly apportionable from day to day; and

25 (e) the tenancy is from month to month.

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

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

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