## SENATE BILL NO. 198

## INTRODUCED BY B. BROWN, YELLOWTAIL, J. RICE, STRIZICH BY REQUEST OF THE COMMISSION FOR HUMAN RIGHTS

IN THE SENATE

JANUARY 25, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

FIRST READING.

PRINTING REPORT.

FEBRUARY 7, 1991

FEBRUARY 8, 1991

FEBRUARY 9, 1991

FEBRUARY 11, 1991

THIRD READING, PASSED.

COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

SECOND READING, DO PASS.

AYES, 48; NOES, 0.

ENGROSSING REPORT.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 12, 1991

.

MARCH 20, 1991

MARCH 23, 1991

MARCH 25, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 94; NOES, 1.

RETURNED TO SENATE.

IN THE SENATE

MARCH 25, 1991

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 1017/01

INTRODUÇED BY B. C Brown Hellow Tarl 1 2 BY REQUEST OF THE COMMISSION FOR HUMAN /RIGHTS 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE 6 DISCRIMINATION LAWS TO CORRECT AN INCORRECT CITATION TO FEDERAL LAW; AMENDING SECTION 49-2-305, MCA; AND PROVIDING 7 8 AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY 9 DATE." 10 WHEREAS, section 49-2-305, MCA, of the Human Rights Act 11 prohibits discrimination in housing; and 12 13 WHEREAS . that section exempts "housing for older persons" from the prohibitions against discrimination in 14 housing based upon age and familial status; and 15 WHEREAS, the definition of "housing for older persons" 16 refers to 42 U.S.C. 3605(b)(2)(C) and (3) of the federal 17 18 Fair Housing Act; and WHEREAS, this citation is incorrect and should read 42 19 U.S.C. 3607(b)(2)(C) and (3), which define "housing for 20 21 older persons" under federal law. 22 THEREFORE, it is appropriate for the Legislature to 23 amend section 49-2-305, MCA, to correct this citation error. 24

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

Montana Legislative Counci

1 Section 1. Section 49-2-305, MCA, is amended to read: 2 "49-2-305. Discrimination in housing -- exemptions. (1) 3 Except when the distinction is based on reasonable grounds, 4 it is an unlawful discriminatory practice for the owner, 5 lessee, manager, or other person having the right to sell, 6 lease, or rent a housing accommodation or improved or 7 unimproved property:

8 (a) to refuse to sell, lease, or rent the housing
9 accommodation or property to a person because of sex, race,
10 creed, religion, color, age, familial status, physical or
11 mental handicap, or national origin;

(b) to discriminate against a person because of sex,
race, creed, religion, age, familial status, physical or
mental handicap, color, or national origin in a term,
condition, or privilege relating to the use, sale, lease, or
rental of the housing accommodation or property;

17 (c) to make a written or oral inquiry or record of the 18 sex, race, creed, religion, age, physical or mental 19 handicap, color, or national origin of a person seeking to 20 buy, lease, or rent the housing accommodation or property; 21 or

(d) to refuse to negotiate for a sale or to make a
housing accommodation or property unavailable because of
sex, race, creed, religion, age, familial status, physical
or mental handicap, color, or national origin.

INTRODUCED BILL 2- SB 198 1 (2) A private residence designed for single-family 2 occupancy in which sleeping space is rented to guests and in 3 which the landlord also resides is excluded from the 4 provisions of subsection (1).

5 (3) It is also an unlawful discriminatory practice to 6 make, print, or publish or cause to be made, printed, or 7 published any notice, statement, or advertisement that 8 indicates any preference, limitation, or discrimination that 9 is prohibited by subsection (1) or any intention to make or 10 have such a preference, limitation, or discrimination.

11 (4) The prohibitions of this section against 12 discrimination because of age and familial status do not 13 extend to housing for older persons. "Housing for older 14 persons" means housing:

15 (a) provided under any state or federal program
16 specifically designed and operated to assist elderly
17 persons;

18 (b) intended for, and solely occupied by, persons 6219 years of age or older; or

(c) intended and operated for occupancy by at least one
person 55 years of age or older per unit in accordance with
the provisions of 42 U.S.C. 3605(b)(2)(C) and (3) and 24 C.F.R. 100.304, as those
sections read on October 1, 1989.

25 (5) The prohibitions of this section against

discrimination because of age and familial status do not extend to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

7 (6) For purposes of this section, "familial status" 8 means having a child or children who live or will live with 9 a person. A distinction based on familial status includes 10 one that is based on the age of a child or children who live 11 or will live with a person."

NEW SECTION. Section 2. Retroactive applicability.
[This act] applies retroactively, within the meaning of
1-2-109, to causes of action arising on or after October 1,
1989.

16 NEW SECTION. Section 3. Effective date. [This act] is

17 effective on passage and approval.

-End-

-3-

## LC 1017/01

Montana Legislative Council

52nd Legislature

1

2

3

4

5

6

7

8

9

10

11

DATE."

APPROVED BY COMMITTEE ON JUDICIARY Lengte BILL NO. 198 INTRODUCED BY 15.6 15 own Hellow Tarp BY REQUEST OF THE COMMISSION FOR HUMAN RIGHTS A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE DISCRIMINATION LAWS TO CORRECT AN INCORRECT CITATION TO FEDERAL LAW; AMENDING SECTION 49-2-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY WHEREAS, section 49-2-305, MCA, of the Human Rights Act

12 prohibits discrimination in housing; and

13 WHEREAS, that section exempts "housing for older persons" from the prohibitions against discrimination in 14 15 housing based upon age and familial status; and

16 WHEREAS, the definition of "housing for older persons" refers to 42 U.S.C. 3605(b)(2)(C) and (3) of the federal 17 18 Fair Housing Act; and

WHEREAS, this citation is incorrect and should read 42 19 U.S.C. 3607(b)(2)(C) and (3), which define "housing for 20 21 older persons" under federal law.

22 THEREFORE, it is appropriate for the Legislature to 23 amend section 49-2-305, MCA, to correct this citation error.

24

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

Section 1. Section 49-2-305, MCA, is amended to read: 1 "49-2-305. Discrimination in housing -- exemptions. (1) 2 Except when the distinction is based on reasonable grounds, 3 it is an unlawful discriminatory practice for the owner, 4 lessee, manager, or other person having the right to sell, lease, or rent a housing accommodation or improved or б 7 unimproved property:

8 (a) to refuse to sell, lease, or rent the housing 9 accommodation or property to a person because of sex, race, creed, religion, color, age, familial status, physical or 10 11 mental handicap, or national origin;

(b) to discriminate against a person because of sex, 12 race, creed, religion, age, familial status, physical or 13 mental handicap, color, or national origin in a term, 14 condition, or privilege relating to the use, sale, lease, or 15 rental of the housing accommodation or property; 16

17 (c) to make a written or oral inquiry or record of the race, creed, religion, age, physical or mental 18 sex, handicap, color, or national origin of a person seeking to 19 20 buy, lease, or rent the housing accommodation or property; 21 or

22 (d) to refuse to negotiate for a sale or to make a 23 housing accommodation or property unavailable because of sex, race, creed, religion, age, familial status, physical 24 or mental handicap, color, or national origin. 25

SECOND READING

• •

LC 1017/01

1 (2) A private residence designed for single-family 2 occupancy in which sleeping space is rented to guests and in 3 which the landlord also resides is excluded from the 4 provisions of subsection (1).

5 (3) It is also an unlawful discriminatory practice to 6 make, print, or publish or cause to be made, printed, or 7 published any notice, statement, or advertisement that 8 indicates any preference, limitation, or discrimination that 9 is prohibited by subsection (1) or any intention to make or 10 have such a preference, limitation, or discrimination.

11 (4) The prohibitions of this section against 12 discrimination because of age and familial status do not 13 extend to housing for older persons. "Housing for older 14 persons" means housing:

15 (a) provided under any state or federal program
 16 specifically designed and operated to assist elderly
 17 persons;

18 (b) intended for, and solely occupied by, persons 6219 years of age or older; or

(c) intended and operated for occupancy by at least one
person 55 years of age or older per unit in accordance with
the provisions of 42 U.S.C. 3605(b)(2)(C) and (3) and 24 C.F.R. 100.304, as those
sections read on October 1, 1989.

25 (5) The prohibitions of this section against

discrimination because of age and familial status do not extend to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies one of the living guarters as his residence.

7 (6) For purposes of this section, "familial status" 8 means having a child or children who live or will live with 9 a person. A distinction based on familial status includes 10 one that is based on the age of a child or children who live 11 or will live with a person."

NEW SECTION. Section 2. Retroactive applicability.
(This act) applies retroactively, within the meaning of
1-2-109, to causes of action arising on or after October 1,
1989.

NEW SECTION. Section 3. Effective date. [This act] is
 effective on passage and approval.

-End-

-3-

-4-

52nd Legislature

LC 1017/01

1

Brate BILL NO. 198 Rice 1 2 INTRODUCED BY REQUEST OF THE COMMISSION FOR HUMAN RIGHTS 3 4 5 A BILL FOR AN ACT ENTITLED: AMENDING "AN ACT THE 6 DISCRIMINATION LAWS TO CORRECT AN INCORRECT CITATION TO 7 FEDERAL LAW; AMENDING SECTION 49-2-305, MCA; AND PROVIDING 8 AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY 9 DATE." 10 11 WHEREAS, section 49-2-305, MCA, of the Human Rights Act 12 prohibits discrimination in housing; and 13 WHEREAS, that section exempts "housing for older 14 persons" from the prohibitions against discrimination in 15 housing based upon age and familial status; and 16 WHEREAS, the definition of "housing for older persons" 17 refers to 42 U.S.C. 3605(b)(2)(C) and (3) of the federal Fair Housing Act: and 18 WHEREAS, this citation is incorrect and should read 42 19 U.S.C. 3607(b)(2)(C) and (3), which define "housing for 20 21 older persons" under federal law. 22 THEREFORE, it is appropriate for the Legislature to 23 amend section 49-2-305, MCA, to correct this citation error. 24

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



Section 1. Section 49-2-305, MCA, is amended to read:

\*49-2-305. Discrimination in housing -- exemptions. (1)
Except when the distinction is based on reasonable grounds,
it is an unlawful discriminatory practice for the owner,
lessee, manager, or other person having the right to sell,
lease, or rent a housing accommodation or improved or
unimproved property:

8 (a) to refuse to sell, lease, or rent the housing
9 accommodation or property to a person because of sex, race,
10 creed, religion, color, age, familial status, physical or
11 mental handicap, or national origin;

(b) to discriminate against a person because of sex,
race, creed, religion, age, familial status, physical or
mental handicap, color, or national origin in a term,
condition, or privilege relating to the use, sale, lease, or
rental of the housing accommodation or property;

17 (c) to make a written or oral inquiry or record of the
18 sex, race, creed, religion, age, physical or mental
19 handicap, color, or national origin of a person seeking to
20 buy, lease, or rent the housing accommodation or property;
21 or

(d) to refuse to negotiate for a sale or to make a
housing accommodation or property unavailable because of
sex, race, creed, religion, age, familial status, physical
or mental handicap, color, or national origin.

-2-

THIRD READING 56 198 (2) A private residence designed for single-family
 occupancy in which sleeping space is rented to guests and in
 which the landlord also resides is excluded from the
 provisions of subsection (1).

5 (3) It is also an unlawful discriminatory practice to 6 make, print, or publish or cause to be made, printed, or 7 published any notice, statement, or advertisement that 8 indicates any preference, limitation, or discrimination that 9 is prohibited by subsection (1) or any intention to make or 10 have such a preference, limitation, or discrimination.

11 (4) The prohibitions of this section against 12 discrimination because of age and familial status do not 13 extend to housing for older persons. "Housing for older 14 persons" means housing:

(a) provided under any state or federal program
 specifically designed and operated to assist elderly
 persons;

18 (b) intended for, and solely occupied by, persons 6219 years of age or older; or

(c) intended and operated for occupancy by at least one
person 55 years of age or older per unit in accordance with
the provisions of 42 U.S.C. 3605(b)(2)(C) and (3) and 24 C.F.R. 100.304, as those
sections read on October 1, 1989.

25 (5) The prohibitions of this section against

discrimination because of age and familial status do not
 extend to rooms or units in dwellings containing living
 quarters occupied or intended to be occupied by no more than
 two families living independently of each other, if the
 owner actually maintains and occupies one of the living
 quarters as his residence.

7 (6) For purposes of this section, "familial status" 8 means having a child or children who live or will live with 9 a person. A distinction based on familial status includes 10 one that is based on the age of a child or children who live 11 or will live with a person."

NEW SECTION. Section 2. Retroactive applicability.
[This act] applies retroactively, within the meaning of
1-2-109, to causes of action arising on or after October 1,
1989.

16 NEW SECTION. Section 3. Effective date. [This act] is

17 effective on passage and approval.

-End-

-4-

LC 1017/01

Montana Legislative council

SENATE BILL NO. 198 1 INTRODUCED BY B. BROWN, YELLOWTAIL, J. RICE, STRIZICH 2 BY REQUEST OF THE COMMISSION FOR HUMAN RIGHTS 3 4 "AN ACT AMENDING THE A BILL FOR AN ACT ENTITLED: 5 DISCRIMINATION LAWS TO CORRECT AN INCORRECT CITATION TO 6 FEDERAL LAW: AMENDING SECTION 49-2-305, MCA; AND PROVIDING 7 AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY 8 9 DATE." 10 11 WHEREAS, section 49-2-305, MCA, of the Human Rights Act prohibits discrimination in housing; and 12 WHEREAS, that section exempts "housing for older 13 persons" from the prohibitions against discrimination in 14 housing based upon age and familial status; and 15 WHEREAS, the definition of "housing for older persons" 16 refers to 42 U.S.C. 3605(b)(2)(C) and (3) of the federal 17 18 Fair Housing Act: and WHEREAS, this citation is incorrect and should read 42 19 U.S.C. 3607(b)(2)(C) and (3), which define "housing for 20 older persons" under federal law. 21 THEREFORE, it is appropriate for the Legislature to 22 amend section 49-2-305, MCA, to correct this citation error. 23 24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 25

1 Section 1. Section 49-2-305, MCA, is amended to read: "49-2-305. Discrimination in housing -- exemptions. (1) 2 Except when the distinction is based on reasonable grounds, 3 it is an unlawful discriminatory practice for the owner, 4 5 lessee, manager, or other person having the right to sell, 6 lease, or rent a housing accommodation or improved or 7 unimproved property: (a) to refuse to sell, lease, or rent the housing 8 9 accommodation or property to a person because of sex, race, creed, religion, color, age, familial status, physical or 10 mental handicap, or national origin; 11 12 (b) to discriminate against a person because of sex, race, creed, religion, age, familial status, physical or 13 14 mental handicap, color, or national origin in a term, 15 condition, or privilege relating to the use, sale, lease, or 16 rental of the housing accommodation or property; 17 (c) to make a written or oral inquiry or record of the 18 sex, race, creed, religion, age, physical or mental 19 handicap, color, or national origin of a person seeking to 20 buy, lease, or rent the housing accommodation or property; 21 οr

(d) to refuse to negotiate for a sale or to make a
housing accommodation or property unavailable because of
sex, race, creed, religion, age, familial status, physical
or mental handicap, color, or national origin.

-2-

## REFERENCE BILL

SB 198

1 (2) A private residence designed for single-family 2 occupancy in which sleeping space is rented to guests and in 3 which the landlord also resides is excluded from the 4 provisions of subsection (1).

5 (3) It is also an unlawful discriminatory practice to 6 make, print, or publish or cause to be made, printed, or 7 published any notice, statement, or advertisement that 8 indicates any preference, limitation, or discrimination that 9 is prohibited by subsection (1) or any intention to make or 10 have such a preference, limitation, or discrimination.

11 (4) The prohibitions of this section against 12 discrimination because of age and familial status do not 13 extend to housing for older persons. "Housing for older 14 persons" means housing:

15 (a) provided under any state or federal program
16 specifically designed and operated to assist elderly
17 persons;

18 (b) intended for, and solely occupied by, persons 6219 years of age or older; or

(c) intended and operated for occupancy by at least one
person 55 years of age or older per unit in accordance with
the provisions of 42 U.S.C. 3605(b)(2)(C) and (3) and 24 C.F.R. 100.304, as those
sections read on October 1, 1989.

25 (5) The prohibitions of this section against

-3-

discrimination because of age and familial status do not extend to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence.

7 (6) For purposes of this section, "familial status" 8 means having a child or children who live or will live with 9 a person. A distinction based on familial status includes 10 one that is based on the age of a child or children who live 11 or will live with a person."

<u>NEW SECTION.</u> Section 2. Retroactive applicability.
[This act] applies retroactively, within the meaning of
1-2-109, to causes of action arising on or after October 1,
1989.

16 NEW SECTION. Section 3. Effective date. [This act] is

17 effective on passage and approval.

-End-

SB 0198/02

-4-