

SENATE BILL 387

Introduced by Thayer

2/14	Introduced
2/14	First Reading
2/14	Referred to Business & Industry
2/21	Hearing
2/22	Committee Report--Bill Passed as Amended
2/23	2nd Reading Passed
2/25	3rd Reading Passed
	Transmitted to House
3/04	First Reading
3/04	Referred to Judiciary
3/15	Hearing
3/15	Committee Report--Bill Concurred as Amended
3/19	2nd Reading Concur as Amended Motion Failed

1 *Smith* BILL NO. 387
 2 INTRODUCED BY *Smith*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A LANDLORD
 5 TO REVIEW WITH THE TENANT, 48 HOURS PRIOR TO TERMINATION OF
 6 THE TENANCY, A WRITTEN NOTICE OF CHARGES THE LANDLORD
 7 INTENDS TO DEDUCT FROM THE SECURITY DEPOSIT; TO REQUIRE A
 8 LANDLORD TO PROVIDE A TENANT WITH A COPY OF THE LAW ON
 9 SECURITY DEPOSITS AT THE BEGINNING OF THE TENANCY; AND
 10 AMENDING SECTIONS 70-25-201 AND 70-25-206, MCA."

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

12 **Section 1.** Section 70-25-201, MCA, is amended to read:

13 "70-25-201. Security deposit -- deductions authorized
 14 therefrom. (1) Any landlord renting property covered by this
 15 chapter may deduct from the security deposit a sum equal to
 16 the damage alleged to have been caused by the tenant,
 17 together with a sum equal to the unpaid rent owing to the
 18 landlord at the time of such deduction and a sum for actual
 19 cleaning expenses. No later than 48 hours prior to the
 20 termination of the tenancy, the landlord shall give the
 21 tenant written notice of the total sum the landlord intends
 22 to deduct from the security deposit with an explanation of
 23 the reasons for the intended deduction. The landlord shall
 24 deliver the notice to the tenant personally on the premises
 25

1 of the rental unit and provide any further explanation that
 2 the tenant requests. The notice must include the specific
 3 types of cleaning that must be done and the repairs that
 4 must be made by the tenant to bring the premises back to its
 5 condition at the time of renting. After delivery of the
 6 notice the tenant has 48 hours to complete or arrange for
 7 the desired cleaning or repairs. A deduction may not be made
 8 from the security deposit if the landlord fails to comply
 9 with this subsection.

10 (2) ~~No cleaning~~ Cleaning charges may not be imposed for
 11 normal maintenance performed on a cyclical basis by the
 12 landlord as noted by the landlord at the time the tenant
 13 occupies the space unless the landlord is forced to perform
 14 this maintenance because of negligence of the tenant.
 15 ~~Additionally, no cleaning charges may be deducted until~~
 16 ~~notice has been given to the tenant. The notice shall~~
 17 ~~include the cleaning not accomplished by the tenant and the~~
 18 ~~additional and type or types of cleaning which need to be~~
 19 ~~done by the tenant to bring the premises back to its~~
 20 ~~condition at the time of its renting. After the delivery of~~
 21 ~~the notice, the tenant has 48 hours to complete the required~~
 22 ~~cleaning.~~

23 (3) No A person may not deduct or withhold from the
 24 security deposit any amount for purposes other than those
 25 set forth in this section."



-2- INTRODUCED BILL
 SB 387

1 **Section 2.** Section 70-25-206, MCA, is amended to read:

2 **"70-25-206. Landlord to furnish statement of condition**
 3 **of premises at beginning of lease.** (1) Any person engaged in
 4 the rental of property for residential purposes who requires
 5 a security deposit shall furnish to each prospective tenant,
 6 prior to execution of a lease or creation of a tenancy, a
 7 separate written statement as to the present condition of
 8 the premises intended to be let, as well as a copy of the
 9 written list of damage and cleaning charges, if any,
 10 provided to the tenant of the immediately preceding
 11 leasehold agreement for the premises in question. The
 12 landlord shall provide the tenant with a copy of the
 13 provisions of this chapter at the time the rental agreement
 14 is entered.

15 (2) Each written statement of the present condition of
 16 a premises intended to be let shall contain at least the
 17 following:

18 (a) a clear and concise statement of the present
 19 condition of the premises known to the landlord or his agent
 20 or which should have been known upon reasonable inspection;

21 (b) if the premises have never previously been let, a
 22 statement indicating such fact;

23 (c) if any damage to the leasehold premises resulting
 24 from the immediately preceding leasehold agreement has not
 25 been restored, a statement indicating such fact and setting

1 forth such unrestitored damage; and

2 (d) the signature of the landlord or his agent.

3 (3) Any person engaged in the rental of property for
 4 residential purposes who fails to furnish a prospective
 5 tenant, prior to the execution of the lease or creation of
 6 the tenancy, with a separate written statement of the
 7 present condition of the premises intended to be let and, if
 8 any, a written list of damage and cleaning charges provided
 9 to the tenant of the immediately preceding leasehold
 10 agreement shall be barred from recovering any sum for damage
 11 to or cleaning of the leasehold premises unless he can
 12 establish by clear and convincing evidence that the damage
 13 occurred during the tenancy in question and was caused by
 14 the tenant occupying the leasehold premises or the tenant's
 15 family, licensees, or invitees."

-End-

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9 PERTAINING TO SECURITY DEPOSITS AT THE BEGINNING OF THE
10 TENANCY; AND AMENDING SECTIONS 70-25-201 AND 70-25-206, MCA;
11 AND PROVIDING AN EFFECTIVE DATE."

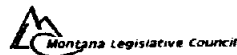
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 70-25-201, MCA, is amended to read:

15 "70-25-201. Security deposit -- deductions authorized
16 therefrom. (1) Any landlord renting property covered by this
17 chapter may deduct from the security deposit a sum equal to
18 the damage alleged to have been caused by the tenant,
19 together with a sum equal to the unpaid rent owing to the
20 landlord at the time of such deduction and a sum for actual
21 cleaning expenses. No later than 48 hours prior to the
22 termination of the tenancy, the landlord shall give the
23 tenant written notice of the total sum the landlord intends
24 to deduct from the security deposit with an explanation of
25 the reasons for the intended deduction. The landlord shall

1 deliver the notice to the tenant personally on the premises
2 of the rental unit and provide any further explanation that
3 the tenant requests. The notice must include the specific
4 types of cleaning that must be done and the repairs that
5 must be made by the tenant to bring the premises back to its
6 condition at the time of renting. After delivery of the
7 notice the tenant has 48 hours to complete or arrange for
8 the desired cleaning or repairs. A deduction may not be made
9 from the security deposit if the landlord fails to comply
10 with this subsection.

11 (2) No cleaning Cleaning charges may not be imposed for
12 normal maintenance performed on a cyclical basis by the
13 landlord as noted by the landlord at the time the tenant
14 occupies the space unless the landlord is forced to perform
15 this maintenance because of negligence of the tenant.
16 Additionally, no cleaning charges may be deducted until
17 notice has been given to the tenant. The notice shall
18 include the cleaning not accomplished by the tenant and the
19 additional and type or types of cleaning which need to be
20 done by the tenant to bring the premises back to its
21 condition at the time of its renting. After the delivery of
22 the notice, the tenant has 48 hours to complete the required
23 cleaning. ADDITIONALLY, CLEANING CHARGES MAY NOT BE DEDUCTED
24 UNTIL NOTICE HAS BEEN GIVEN TO THE TENANT. THE NOTICE MUST
25 INCLUDE THE CLEANING NOT ACCOMPLISHED BY THE TENANT AND THE



1 ADDITIONAL CLEANING THAT NEEDS TO BE DONE BY THE TENANT TO
 2 RESTORE PREMISES TO THE CONDITION THEY WERE IN AT THE TIME
 3 THE TENANT RENTED THE PREMISES. A DEDUCTION MAY NOT BE MADE
 4 FROM THE SECURITY DEPOSIT IF THE LANDLORD FAILS TO COMPLY
 5 WITH THIS SECTION.

6 (3) No A person may not deduct or withhold from the
 7 security deposit any amount for purposes other than those
 8 set forth in this section."

9 **Section 2.** Section 70-25-206, MCA, is amended to read:

10 **"70-25-206.** Landlord to furnish statement of condition
 11 of premises at beginning of lease. (1) Any person engaged in
 12 the rental of property for residential purposes who requires
 13 a security deposit shall furnish to each prospective tenant,
 14 prior to execution of a lease or creation of a tenancy, a
 15 separate written statement as to the present condition of
 16 the premises intended to be let, as well as a copy of the
 17 written list of damage and cleaning charges, if any,
 18 provided to the tenant of the immediately preceding
 19 leasehold agreement for the premises in question. The
 20 landlord shall provide the tenant with a copy of the
 21 provisions of this chapter TITLE 70, CHAPTER 25 at the time
 22 the rental agreement is entered.

23 (2) Each written statement of the present condition of
 24 a premises intended to be let shall contain at least the
 25 following:

1 (a) a clear and concise statement of the present
 2 condition of the premises known to the landlord or his agent
 3 or which should have been known upon reasonable inspection;

4 (b) if the premises have never previously been let, a
 5 statement indicating such fact;

6 (c) if any damage to the leasehold premises resulting
 7 from the immediately preceding leasehold agreement has not
 8 been restored, a statement indicating such fact and setting
 9 forth such unrestored damage; and

10 (d) the signature of the landlord or his agent.

11 (3) Any person engaged in the rental of property for
 12 residential purposes who fails to furnish a prospective
 13 tenant, prior to the execution of the lease or creation of
 14 the tenancy, with a separate written statement of the
 15 present condition of the premises intended to be let and, if
 16 any, a written list of damage and cleaning charges provided
 17 to the tenant of the immediately preceding leasehold
 18 agreement shall be barred from recovering any sum for damage
 19 to or cleaning of the leasehold premises unless he can
 20 establish by clear and convincing evidence that the damage
 21 occurred during the tenancy in question and was caused by
 22 the tenant occupying the leasehold premises or the tenant's
 23 family, licensees, or invitees."

24 NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS
 25 EFFECTIVE JULY 1, 1991.

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19 together with a sum equal to the unpaid rent owing to the
20 landlord at the time of such deduction and a sum for actual
21 cleaning expenses. No later than 48 hours prior to the
22 termination of the tenancy, the landlord shall give the
23 tenant written notice of the total sum the landlord intends
24 to deduct from the security deposit with an explanation of
25 the reasons for the intended deduction. The landlord shall

1 deliver the notice to the tenant personally on the premises
2 of the rental unit and provide any further explanation that
3 the tenant requests. The notice must include the specific
4 types of cleaning that must be done and the repairs that
5 must be made by the tenant to bring the premises back to its
6 condition at the time of renting. After delivery of the
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10 with this subsection.

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12 normal maintenance performed on a cyclical basis by the
13 landlord as noted by the landlord at the time the tenant
14 occupies the space unless the landlord is forced to perform
15 this maintenance because of negligence of the tenant.
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17 notice has been given to the tenant. The notice shall
18 include the cleaning not accomplished by the tenant and the
19 additional and type or types of cleaning which need to be
20 done by the tenant to bring the premises back to its
21 condition at the time of its renting. After the delivery of
22 the notice, the tenant has 48 hours to complete the required
23 cleaning. ADDITIONALLY, CLEANING CHARGES MAY NOT BE DEDUCTED
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 2 RESTORE PREMISES TO THE CONDITION THEY WERE IN AT THE TIME
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 7 security deposit any amount for purposes other than those
 8 set forth in this section."

9 **Section 2.** Section 70-25-206, MCA, is amended to read:

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 11 **of premises at beginning of lease.** (1) Any person engaged in
 12 the rental of property for residential purposes who requires
 13 a security deposit shall furnish to each prospective tenant,
 14 prior to execution of a lease or creation of a tenancy, a
 15 separate written statement as to the present condition of
 16 the premises intended to be let, as well as a copy of the
 17 written list of damage and cleaning charges, if any,
 18 provided to the tenant of the immediately preceding
 19 leasehold agreement for the premises in question. The
 20 landlord shall provide the tenant with a copy of the
 21 provisions of ~~this chapter~~ TITLE 70, CHAPTER 25 at the time
 22 the rental agreement is entered.

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 24 a premises intended to be let shall contain at least the
 25 following:

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4 (b) if the premises have never previously been let, a
 5 statement indicating such fact;

6 (c) if any damage to the leasehold premises resulting
 7 from the immediately preceding leasehold agreement has not
 8 been restored, a statement indicating such fact and setting
 9 forth such unrestored damage; and

10 (d) the signature of the landlord or his agent.

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 12 residential purposes who fails to furnish a prospective
 13 tenant, prior to the execution of the lease or creation of
 14 the tenancy, with a separate written statement of the
 15 present condition of the premises intended to be let and, if
 16 any, a written list of damage and cleaning charges provided
 17 to the tenant of the immediately preceding leasehold
 18 agreement shall be barred from recovering any sum for damage
 19 to or cleaning of the leasehold premises unless he can
 20 establish by clear and convincing evidence that the damage
 21 occurred during the tenancy in question and was caused by
 22 the tenant occupying the leasehold premises or the tenant's
 23 family, licensees, or invitees."


24 NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS
 25 EFFECTIVE JULY 1, 1991.

HOUSE STANDING COMMITTEE REPORT

March 15, 1991
Page 2 of 2

March 15, 1991
Page 1 of 2

Mr. Speaker: We, the committee on Judiciary report that
Senate Bill 387 (third reading copy -- blue) be concurred in as
amended.

Signed: 
Bill Strizich, Chairman

Carried by: Rep. Johnson

And, that such amendments read:

1. Title, line 7.

Following: "~~DEPOSIT,~~"

Insert: "TO REQUIRE A LANDLORD TO REVIEW WITH THE TENANT, 48
HOURS PRIOR TO TERMINATION OF THE TENANCY, A WRITTEN NOTICE
OF CHARGES THE LANDLORD INTENDS TO DEDUCT FROM THE SECURITY
DEPOSIT;"

2. Page 2, line 10.

Following: "~~subsection,~~"

Insert: "No later than 48 hours prior to the termination of the
tenancy, the landlord shall give the tenant written notice
of the total sum the landlord intends to deduct from the
security deposit, with an explanation of the reasons for the
intended deduction. The landlord shall deliver the notice to
the tenant personally on the premises of the rental unit and
provide any further explanation that the tenant requests.
The notice must include the specific types of cleaning that
must be done and the repairs that must be made by the tenant
to bring the premises back to its condition at the time of
renting. After delivery of the notice, the tenant has 48
hours to complete or arrange for the desired cleaning or
repairs. A deduction may not be made from the security
deposit if the landlord fails to comply with this
subsection."

3. Page 2, line 23 through page 3, line 5.

Strike: "ADDITIONALLY" on page 2, line 23 through page 3, line 5

4. Page 3, line 21.

Following: "25"

Insert: ", "

5. Page 3, line 22.

Following: "entered"

Insert: "into, and if the landlord fails to comply with this
requirement, he may not make a deduction from the security
deposit"

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 387
Representative Measure

March 18, 1991 9:54 am
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 387 (third reading copy -- blue).

Signed: 
Representative Measure

And, that such amendments to Senate Bill 387 read as follows:

1. Amend the House Standing Committee on Judiciary report dated 15 March, 1991 as follows:
Strike: Amendment #2

2. Page 2, line 10.

Following: "~~subsection.~~"

Insert: "No later than 48 hours prior to the termination of the tenancy, the landlord shall give the tenant written notice of the total sum the landlord intends to deduct from the security deposit, with an explanation of the reasons for the intended deduction. The landlord shall give notice to the tenant and provide any further explanation regarding damages. The notice must include the specific types of cleaning that must be done and the repairs that must be made by the tenant to bring the premises back to its condition at the time of renting. After delivery of the notice, the tenant has 48 hours to complete or arrange for the desired cleaning or repairs. A deduction may not be made from the security deposit if the landlord fails to comply with this subsection."

ADOPT

REJECT

HOUSE
SB 387

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