

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By **CHAIRMAN STEVE BENEDICT**, on February 5, 1993,
at 9:00 A.M.

ROLL CALL

Members Present:

Rep. Steve Benedict, Chairman (R)
Rep. Sonny Hanson, Vice Chairman (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss (R) ^D
Rep. Doug Wagner (R)

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 245, HB 321 AND HB 422
Executive Action: None

HEARING ON HB 245

Opening Statement by Sponsor:

REP. MIKE KADAS, House District 55, Missoula, opened by
explaining the background of HB 245. He said Montana has

approximately 110,000 citizens who live in mobile home courts and parks. HB 245 will only effect those who own their own home and rent the space on which that home is placed. He said people in this situation are placed at the whim of a landlord who determines if that home is to be moved or not. The moving costs of a mobile home is around \$1,000, which these people have to come up with if they are evicted. Because of the high moving costs, HB 245 will offer some protection for the people that eviction may not be arbitrary, because there has to be clear and distinct reasons for eviction. He said there are a number of states that already have this in law in place. **REP. KADAS** said the difference of opinion on HB 245 between the proponents and opponents has been so dramatic that an additional set of amendments have been drafted to further restrict the bill in regard to the problems that the landlords had with the bill. **REP. KADAS** went through the bill section by section with the amendments so everyone could clearly identify the issues that are being proposed in the amendments. He distributed a copy of 70-24-441 MCA, which is currently used at this time for the eviction process. He said the current eviction process is left the way it presently is, but the way the process is to be used is changed. The new section 2 on page 5, is the main section that gives detail for termination of rental agreements. He said they tried to work out a bill that will deal with the issues that the proponents brought out and also deal in a fair manner in regard to the issues the landlords have. He said HB 245 deals with the five ways for reasons of eviction: 1) nonpayment of rent; 2) violation of the mobile home park rules; 3) disorderly conduct; 4) known illegal dealing of drugs; and 5) change in the use of the mobile home park, i.e., gravel pit. **EXHIBITS 1, 2 AND 3**

Proponents' Testimony:

Bruce Hietala, Target Range Court, Missoula, stated his reasons in support of HB 245. He distributed information called "People Fighting For A Good Cause" - Campaign '93. He said good cause will not result in increased litigation, but will reduce the need for litigation. He informed the committee they will be hearing from the landlords stating that the courts and parks are their private property and should not be regulated by law. He said it is a business and the landlords are not entitled to the same unregulated freedom enjoyed by a private homeowner.

Klaus Sitte, Legal Services Attorney, Missoula, said he helped the Montana Realtors Association draft the Montana Residential Landlord/Tenant Act (MRLTA) 17 years ago. He has worked on housing law and issues, research, written, and taught landlord/tenant law throughout the state. He said in the last several years he has been teaching the judges in the justice courts the laws. He said there hasn't been any support for the notion on the revision of the Montana Landlord/Tenant Law at any time produces more litigation. He said there have only been six Montana Supreme Court cases involving landlord/tenant law effecting tenants in a residential situation since the passage of

the MRLTA. He referred to the good cause exhibit regarding a letter from an attorney Jim O'Brien, in Missoula. **EXHIBIT 4**

Bea Steen, Golden Estates, Helena, said she is representing many of the tenants that were unable to attend the hearing. She asked the committee to support this legislation for the people who own their own mobile homes. She referred to the green sheet in exhibit 4 regarding the Helena Housing Authority. She said Montana needs to become the 29th state for good cause legislation. **EXHIBIT 4**

Bob Crestenson, Leisure Trailer Court, Lolo, said he has never received an eviction notice in the 12 years he has lived in a trailer court. He and his family joined a residents association to help solve some of the problems they have in the court where he is presently living. He was informed in front of other members of the association that he would receive an eviction notice for joining the association, which he did two hours later. He said this is one of the reasons for the need of good cause eviction, to protect the good residence that live in these courts.

Jerry Johnson, Billings Health Department, said that currently the only regulatory agency for mobile home courts is the local City-County Health Departments. The department is suppose to check on the mobile home parks once a year primarily checking on water, sewage and garbage. He said residents risk eviction if they complain. He referred to a letter in exhibit 4 from the Yellowstone County Health Department who had been invited to a tenants association meeting, but was unable to attend. **EXHIBIT 4**

John Wyman, Montana People's Action (MPA) staff person in Great Falls, stated his support for HB 245. He referred to a letter in exhibit 4 from the MPA. **EXHIBIT 4**

Bill Olson, American Association of Retired Persons (AARP), distributed written testimony which states that AARP advocates legislation to protect the rights of older mobile home owners. **EXHIBIT 5**

Dory Ritrovato, Butte, said the mobile home park owners waived their rights when they applied for and were issued a license to operate their parks. He referred to exhibit 4 regarding good cause legislation adopted in other states of the region. **EXHIBIT 4**

Linda Lee, Executive Director of the Montana Public Interest Research Group on the University of Montana Campus (MontPirg), said there are 2,500 student members and 1,500 community members state wide who want to be on record in support of HB 245. She referred to a letter from Mayor Dan Kemmis and Fern Hart. **EXHIBITS 4 AND 6**

Cindy Moree, State wide leader for the Montana People's Action, said that HB 245 provides a remedy to families who occasionally find themselves on hard times.

Chet Kinsey, representing the Montana Senior Citizens Association, and treasurer of the Montana Low Income Coalition, said the senior citizens want to go on record in support HB 245.

Les McBirnie, West Yellowstone, said he is concerned with the situation in West Yellowstone. All of the courts are full, and if there is a rapid eviction notice, there isn't any place to go. He referred to a letter in exhibit 4 from Ken Davis. He urged the committee's support for HB 245. **EXHIBITS 4 and 16**

Nancy Collins, Covered Wagon Court in Bozeman, said that bankruptcies and the homeless will become a reality in Montana, and will need to provide honest accountability for evictions. She said all the mobile home owners ask for is a fair law which will protect good owners and tenants.

Wilbur Whanger, Westview, Glasgow, said the tenants need the security of HB 245.

Belinda Rinker, representing District 9 HRDC, and statewide HRDC Directors Organizations, said low-income clients of HRDC have turned to mobile home ownership as an alternative to high price housing and non-availability of rental units. She said the HRDC supports HB 245.

Jack Postlewhaite, previous Landlord, said he realizes they need rules and regulations in any business, which owning a mobile home court is. He said that HB 245 covers most of the issues for the landlords and the tenants.

REP. HOWARD TOOLE, House District 60, Missoula, said he supports HB 245. He compared HB 245 with the Good Cause Employment Act that was passed by this Legislature in 1987.

Opponents' Testimony:

Geoffrey Bayliss, Landlord and property manager in Missoula, said it is important for everyone to know that the landlords are not the ogres out to evict people, they are in the business to rent to people.

Robert Dunlop, Mobile Home landlord, Helena, stated his opposition to HB 245. He felt that this whole issue should have been solved at the local level where there is a problem instead of involving everyone in Montana.

Tom Hopgood, Attorney, Helena, said HB 245 as drafted and amended destroys all assumptions that landlords in this type of business will be able to control various critical decisions.

Greg Van Horssen, Income Property Managers Association (IPMA) and the Montana Landlords Association (MLA), stated his opposition to HB 245 and distributed written testimony. **EXHIBIT 7**

Mary McCue, representing Helena, Bozeman and other Mobile Home Park Owners across Montana, said the mobile home park owners need more time to review all of the amendments that have been presented to see the effect they will have on the bill.

Bruno Freia, Realtor, Missoula, said the rationales for the proposed statutes contained in the preamble of HB 245 are entirely unproven and unsupported allegations. He presented petitions in opposition to HB 245. **EXHIBIT 18**

Dan Wood, Montana Landlord's Association, Bozeman, distributed information on the Montana Landlord/Tenant Law. He said HB 245 is unfair legislation, and it will tie the hands of landlords and mobile home park operators. He said once the door is opened for just cause eviction for mobile home tenants, it will be extended for ALL tenants in the state of Montana. He said the state of Washington had just cause eviction pass through their Legislature two years ago and it lasted only one year because of the tremendous back log it caused in the court system. **EXHIBIT 8**

Montana Watts, Montana Mobile Home Court and Campground Association, Billings, stated her opposition of HB 245.

Carla Brien, tenant of Ms. Watts in Billings, distributed a copy of a petition signed by all of the tenants of Ms. Watts mobile home court in opposition to HB 245 and HB 321. **Ms. Brien** said they would have included HB 422 also if they had known about it. **EXHIBIT 9**

Stan Clothier, Vice President of the Montana Landlords Association, Kalispell, said he and the association are in opposition to HB 245.

Judi Reynolds, distributed written testimony in opposition to HB 245, HB 321 and HB 422. **EXHIBIT 10**

Lee Reynolds, said he opposes HB 245, HB 321 and HB 422. **EXHIBIT 11**

Loyd and Ruthe Upton, Managers, Casa Village Mobile Home Park, oppose HB 245 and HB 321. **EXHIBIT 12**

Terry L. Seiffert, Attorney at Law, Billings, said he is in opposition to HB 245 and HB 321. **EXHIBIT 13**

Vern Fischer, Great Falls, said he is opposed to HB 245. **EXHIBITS 14 and 15**

Ken Chilcote, President Western Montana Landlords Association, said he opposes HB 245. **EXHIBIT 17**

Questions From Committee Members and Responses:

REP. SONNY HANSON asked REP. KADAS if he has reviewed this bill with any of the financial institutions in Montana to see if it acts as a detriment on their behalf to contribute towards the construction of new courts? REP. KADAS asked Jim Parker, Montana Peoples Action (MPA) to respond. Mr. Parker said that through non-profit development agencies which Montana Peoples Action is now engaged with, they are able to apply for federal grant money that is not obtainable any other way. Mr. Parker said the Peoples Association have been working with technical assistance from the National Cooperative Bank in Washington D.C. for building mobile home courts all across the United States. He said the Cooperative Bank people came to Missoula and are at this time seriously engaged with propositions with some local banks in Missoula to develop resident owned mobile home courts. REP. HANSON said he has not received an answer to his question. Mr. Parker referred the question to Jim Fleischmann, MPA. Mr. Fleischmann said the MPA is working with Savings and Loans organizations in Missoula who are sponsoring and raising money through the Federal Home Loan Bank so the MPA can proceed with the development of Cooperative Mobile Home Courts. Mr. Fleischmann said they are also working with the Montana Board of Housing because of their concern with the lack of security in the length of the leases that are provided to mobile home court residents. He said if HB 245 is passed through this Legislature, it will provide the mobile home residents with greater security, because the Board of Housing will be able to become involved in the funding of mobile homes.

Closing by Sponsor:

REP. KADAS closed making note of Ms. McCue's comments that most of the problems lie with bad tenants and bad landlords. He said this bill tries to place some criteria in the laws so bad landlords have some responsibility to their tenants. REP. KADAS asked all the proponents to stand that did not have a chance to present testimony.

HEARING ON HB 321Opening Statement by Sponsor:

REP. TIM DOWELL, House District 5, Kalispell, said his comments on HB 321 will address all three of the bills being heard today. He said a comment was made during testimony on HB 245 that there wasn't any evidence of a housing crisis in Montana. He said the bill is in two parts. The first part explains the definitions, and the second part is the new language added to address mobile home parks. REP. DOWELL distributed amendments for HB 321. He said they address HB 321 the same way the amendments addressed HB 245. He proceeded through the amendments to show the committee how they will effect the bill. EXHIBIT 19

Proponents' Testimony:

Deb Wasinger, Bozeman, said she is in support of HB 321. She said that 20 percent of Montanans live in mobile homes.

Mike Slevin, West Yellowstone, supports HB 321.

Percy Jones, Missoula, supports HB 321.

Bill Olson, AARP, said for reasons stated previously AARP supports HB 321.

Alice Jenke, Belgrade, said she supports HB 321. She referred to exhibit 4 from HB 245 regarding the notices the tenants receive from month to month for rule changes in the trailer courts.

Eleanor Wind, Gallatin County, supports HB 321.

Terry Dahlquist, Missoula, asked for the passage of HB 321 for the security of a one-year lease or longer.

Jim Parker, Montana Peoples Association (MPA), said the association request that the committee pass this piece of legislation.

Lela DeCoch, Belgrade, asked for the security of a six-month lease instead of month to month.

Opponents' Testimony:

Andy Skinner, Helena, said HB 321 needs major revision, because it is a rent control bill for the tenants.

Greg Van Horssen, IPMA and MLA, said HB 321 creates a statutory guarantee of a one-year rental agreement. He said with the amendment, this agreement does not exist in the initial agreement. He presented written testimony. EXHIBIT 20

Ken Chilcote, President Western Montana Landlords Association, presented written testimony. EXHIBIT 17

Lance Clark, Public Affairs Director for the Montana Association of Realtors, said he concurs with Greg Van Horssen's testimony. He said the Association of Realtors feels this legislation is one-sided in regard to the terms of the rental agreements.

Stan Clothier, MLA, Kalispell, said he opposes HB 321.

Dan Woods, Bozeman, is opposed to HB 321.

Vern Fischer, Great Falls, distributed written testimony in opposition to HB 321. EXHIBIT 21

Ed McHugh, McHugh Mobile Home Park, Helena, said that none of their tenants are before the committee today asking for the passage of HB 245, HB 321 and HB 422. He said if the banks would loan money to build mobile home courts, these problems would not be before this committee.

Questions From Committee Members and Responses:

REP. LARSON asked Jim Parker if owners of the mobile homes should have some say in the length of a lease. Mr. Parker felt it could be negotiated.

REP. LARSON asked Andy Skinner and commended him on his testimony in support of the landlords, if he would be willing to work on HB 321 to develop some amendatory language that would satisfy the landlords and mobile home owners? Mr. Skinner said he would.

Closing by Sponsor:

REP. DOWELL closed.

HEARING ON HB 422

Opening Statement by Sponsor:

REP. DON LARSON, House District 65, Seeley, said HB 422 is the main bill that will help the landlords and mobile home tenants write the rules. It identifies the procedures in adopting the rules governing mobile home parks, and provides for a review process for the rules. He said it also sets the procedures for mobile home owners to form resident associations.

Proponents' Testimony:

Stacey Jaffe, representing the Target Range Trailer Court, Missoula, said she owns her mobile home, and doesn't have any rights for her private property, but the landlords want rights for their private property. She asked for support of HB 422.

Ron Graft, Travois Village, Missoula, informed the committee that new buyers of the court informed the tenants that they cannot store anything under their trailers.

Patrick Kelter, Travois Village, Missoula, told the committee some of the rules from the new owner. They cannot have guests longer than two hours without the managers permission, and if they want to have overnight guests, they have to pay \$5 per person. He urged a do pass for HB 422.

Ken Crisp, Target Range Court, Missoula, asked for a do pass on HB 422.

Klaus Sitte, Legal Services Attorney, Missoula, stated his support for HB 422. He gave a synopsis if a mobile home park he

represented before court and won, but the tenants have not received any compensation for it at this time.

Jim Parker, MPA, said there is one significant change on the amendment on page 6, lines 6, 7, & 10. He said the Attorney General's office and the Department of Commerce did not have the opportunity to review the rules, but did suggest the MPA go to the county commissioners and the county that the mobile home court is located in to settle any differences.

Allen Pickett, Stevensville, said he supports HB 422. He said if these three bills are not passed, they will be a people without a voice.

Ron Wagner, Target Range, Missoula, stated his support for HB 245, HB 321 and HB 422.

Mikellete Meade, Trange Ranger Trailer Court, said she supports HB 422.

Joel Wasinger, Travois Village, Missoula, thanked the committee for the opportunity to participate in the democracy of Montana.

Janice Warden, Forest Park, Gallatin County, said she supports HB 422.

Kathy Econkana, Missoula Village West, said she supports HB 422.

Opponents' Testimony:

Lloyd Upton, Billings, stated his opposition to HB 422. He distributed written testimony. **EXHIBIT 12**

Greg Van Horssen, IPMA and MLA, said the organizations feel that HB 422 removes from the property owner the ability to change rules in a mobile home park even if the change were necessary to preserve some aspect of the business. He read section 2 regarding the landlords adopting and changing the rules after following procedure. He said it is up to the committee to decide if the county commissioners need to be burdened with an additional commitment of time and assets.

Lance Clark, Montana Association of Realtors, spoke to section 2, and stated his opposition to HB 422.

Ed Eaton, Mobile Court Owner, informed the committee of the negative affect HB 245, HB 321 and HB 422 will have on the operations of mobile home courts. He said that many of the smaller courts will go out of business because of the cost in in environmental testing on water, etc.

Andy Skinner, Lifestyles Mobile Home Court, said he has a problem with the bill in regard to the control that would be taken out of his hands and placed into the tenants hands who do not understand

the technical problems that exist in the trailer courts. He recommended a do not pass.

Don Alderson, Mobile home court owner, Bozeman, stated his opposition to HB 422.

Dan Woods, State president of the Montana Land Owners Association, referred to page 7, line 25, and page 8, line 1, it states that, "a mobile home operator shall meet and consult with the residents upon written request....". Where does the responsibilities of the landlord start and stop? He urged the committee to kill the bill.

Robert Dunlop, said passage of this bill will cause problems for the Legislatures that follow this one, and urged the legislators to find money in their budget for public housing.

Stan Clothier, MLA, stated his opposition to HB 422. He referred to the laws in the Montana Landlord/Tenant Association. **EXHIBIT**
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Montana Watts, Montana Mobile Court and Campground Association, said it hadn't been brought out in this hearing that the landlord has to pay the utility bills when they cannot get a tenant out in 30 days, the landlord has to wait sometimes two to four months.

Questions From Committee Members and Responses:

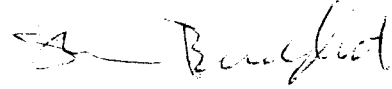
None

Closing by Sponsor:

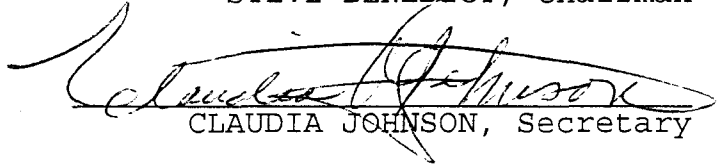
REP. LARSON said these three bills heard this morning are not set in stone, they are only starting points for discussions between the landlords and their tenants. He said the rulemaking should include both sides, not just for the landlord.

ADJOURNMENT

Adjournment: 12:30 P.M.



STEVE BENEDICT, Chairman



CLAUDIA JOHNSON, Secretary

SB/cj

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE

2-5-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

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Amendments to House Bill No. 245
First Reading Copy

Requested by Representative Kadas
For the Committee on Business and Economic Development

Prepared by Paul Verdon
February 3, 1993

1. Page 1, line 13.
Following: "and"
Insert: "the potential for"
2. Page 1, lines 16 through 19.
Following: "may"
Insert: ", without supplying a reason,"
Strike: "for" on line 16 and through "homes" on line 19
3. Page 1, line 21.
Strike: "upon failure to pay rent"
Insert: "if evicted unfairly"
4. Page 1, line 25.
Strike: "make rental payments"
Insert: "comply with the eviction"
5. Page 5, line 8.
Following: "rent"
Insert: "or late charges"
6. Page 5, line 11.
Following: "conduct"
Insert: "on the mobile home park premises"
7. Page 5, line 16.
Following: "(d)"
Insert: "(i)"
8. Page 5, line 18.
Following: "ordinance"
Strike: "or"
Insert: ";
 (ii)"
9. Page 5, line 19.
Following: "violation"
Insert: "on the mobile home park premises"
10. Page 5, line 21.
Following: "park"
Insert: "; or
 (iii) the landlord's documentation by a preponderance
 of the evidence of a felony offense involving a controlled
 substance"

11. Page 5, line 25.

Following: "(2)"

Insert: "(a) A mobile home owner or a tenant of a mobile home who fails to pay the overdue rent and late charges within 15 days of receiving notice of nonpayment of rent, as provided in 70-24-422, is subject to termination procedures as provided in 70-24-422."

Renumber: subsequent subsections

12. Page 6, line 2.

Strike: "three"

Insert: "two"

13. Page 6, line 5.

Following: "late"

Insert: "rent"

14. Page 6, lines 8 and 9.

Following: "(ii)"

Strike: remainder of line 8 through "payment" on line 9

Insert: "additional charges for late rent payment must be reasonable and must be paid as provided in subsection (2)(a) unless the landlord and tenant agree otherwise"

15. Page 6, line 13.

Strike: "third"

Insert: "second"

16. Page 6, line 17.

Following: "agreement"

Insert: "and the provisions of subsection (3)(b) requiring a compliance period do not apply"

17. Page 6, line 21.

Strike: "unfair,"

18. Page 6, lines 21 and 22.

Strike: ", or unconscionable"

19. Page 6, line 23.

Following: "70-24-311;"

Insert: "and"

20. Page 6, line 24.

Following: "of the"

Insert: "new"

21. Page 6, line 25 through page 7, line 4.

Following: "place" on page 6, line 25

Strike: the remainder of line 25, page 6 through "residents" on page 7, line 4

22. Page 7, line 8.

Page 7, line 9.

Strike: "15"

Insert: "14"

23. Page 7, line 13.

Following: "owner"

Insert: "who has complied with the rule within 14 days after receipt of a notice as provided in subsection (3)(b)"

24. Page 7, line 15.

Following: "period"

Insert: "and it is shown that the mobile home owner or tenant of the mobile home owner has violated that rule"

Following: "required"

Insert: "for the next 6 months"

25. Page 7, line 18.

Following: "70-24-422"

Insert: "without providing a 14-day compliance period"

26. Page 7, line 19.

Following: line 18

Insert: "(d) If a mobile home owner or tenant of the mobile home owner has been given a written notice of an alleged violation of a rule that would have a significant adverse impact on the mobile home park or its residents on three or more occasions within a 12-month period and it is shown that the mobile home owner or tenant of the mobile home owner has violated the rule, a written notice is not required for the next 6 months for a subsequent violation of any rule that would have a significant adverse impact on the mobile home park or its residents and the rental agreement may be terminated as provided in 70-24-422 without providing a 14-day compliance period. Only one notice a month may be given."

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decreasing services, or by bringing or threatening to bring an action for possession after the tenant:

(a) has complained of a violation applicable to the premises materially affecting health and safety to a governmental agency charged with responsibility for enforcement of a building or housing code;

(b) has complained to the landlord in writing of a violation under 70-24-303; or

(c) has organized or become a member of a tenant's union or similar organization.

(2) If the landlord acts in violation of subsection (1) of this section, the tenant is entitled to the remedies provided in 70-24-411 and has a defense in any retaliatory action against him for possession.

(3) In an action by or against the tenant, evidence of a complaint within 6 months before the alleged act of retaliation creates a rebuttable presumption that the landlord's conduct was in retaliation. The presumption does not arise if the tenant made the complaint after notice of a proposed rent increase or diminution of services. For purposes of this section, "rebuttable presumption" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(4) Notwithstanding subsections (1), (2), and (3) of this section, a landlord may bring an action for possession if:

(a) the violation of the applicable building or housing code was caused primarily by lack of reasonable care by the tenant, a member of his family, or other persons on the premises with his consent;

(b) the tenant is in default in rent; or

(c) compliance with the applicable building or housing code requires alteration, remodeling, or demolition which would effectively deprive the tenant of use of the dwelling unit.

(5) The maintenance of an action under subsection (4) of this section does not release the landlord from liability under 70-24-405(2).

History: En. 42-442 by Sec. 42, Ch. 313, L. 1977; R.C.M. 1947, 42-442.

70-24-432 through 70-24-440 reserved.

70-24-441. Termination by landlord or tenant. (1) The landlord or the tenant may terminate a week-to-week tenancy by a written notice given to the other at least 7 days before the termination date specified in the notice.

(2) The landlord or the tenant may terminate a month-to-month tenancy by giving to the other at any time during the tenancy at least 30 days' notice in writing prior to the date designated in the notice for the termination of the tenancy.

(3) The tenancy terminates on the date designated and without regard to the expiration of the period for which, by the terms of the tenancy, rents are to be paid. Unless otherwise agreed, rent is uniformly apportionable from day to day.

History: En. 42-440 by Sec. 40, Ch. 313, L. 1977; R.C.M. 1947, 42-440(1), (2).

70-24-442. Attorney fees — costs. (1) In an action on a rental agreement or arising under this chapter, reasonable attorney fees, together with costs

and necessary disbursements, may be awarded to the prevailing party not withstanding an agreement to the contrary.

(2) As used in this section, "prevailing party" means the party in whose favor final judgment is rendered.

History: En. 42-417 by Sec. 17, Ch. 313, L. 1977; R.C.M. 1947, 42-417.

Cross-References

Civil procedure — costs, Title 25, ch. 10.

EXHIBIT 2
DATE 2-5-93
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CHAPTER 25

RESIDENTIAL TENANTS' SECURITY DEPOSITS

Part 1 — General Provisions

70-25-101. Definitions.

70-25-102. Application of chapter.

70-25-103. Waivers and contrary provisions invalid.

Part 2 — Rights and Duties

70-25-201. Security deposit — deductions authorized therefrom.

70-25-202. List of damages and refund — delivery to departing tenant.

70-25-203. Failure to provide list — forfeiture of deduction rights.

70-25-204. Wrongful withholding of security deposit — action.

70-25-205. Failure of departing tenant to furnish new address.

70-25-206. Landlord to furnish statement of condition of premises at beginning of lease.

Part 1

General Provisions

70-25-101. Definitions. As used in this chapter, the following definition apply:

(1) "Cleaning expenses" means the actual and necessary cost of cleaning done by an owner or his selected representative for cleaning needs not attributable to normal wear brought about by the tenant's failure to bring the premises to the condition it was at the time of renting.

(2) "Damage" means any and all tangible loss, injury, or deterioration of a leasehold premises caused by the willful or accidental acts of the tenant occupying same or by the tenant's family, licensees, or invitees, as well as an and all tangible loss, injury, or deterioration resulting from the tenant's

EXHIBIT 3
DATE 2-5-93
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AMENDMENT TO HB #245:

1. From the amendments prepared by Paul Verdon on February 3, 1993 strike amendments 7,8,9 and 10 (all on page one), then;
2. Page 5, line 17.
Following: "violation"
Insert: "upon the park premises"
3. Page 5, lines 18 through 21.
Following: "ordinance"
Strike: "or" on line 18 and through "park" on line 21
Insert: ", when the violation is detrimental to the health, safety, or welfare of other residents or the landlord of the mobile home park, or the landlord's documentation, by a preponderance of the evidence of a violation of a felony offense involving a controlled substance;"

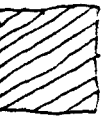
EXHIBIT 4
DATE 2-5-93
HB 245

*"PEOPLE FIGHTING
FOR A GOOD
CAUSE"*

- CAMPAIGN '93

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WESTERN AND CENTRAL STATES THAT HAVE ENACTED
"GOOD CAUSE" LEGISLATION



EXHIBIT 4
2011 2-5-93
HP 345

EXHIBIT 4
DATE 2-5-93
21 HB 245

**TESTIMONY: "PEOPLE FIGHTING FOR
A GOOD CAUSE" - CAMPAIGN '93**

(FRIDAY FEBRUARY 5, 1993 : ROOM 312 [2])

[SUBJECT TO CHANGE]

GOOD CAUSE: BILL #1 --- HB 245 [APPROX. 30 MINUTES]

NAME:

<u>A REP. MIKE KADAS</u>	<u>SPONSOR OF HB 245</u>
<u>1 BRUCE HIETALA</u>	<u>TARGET RANGE COURT/MISSOULA</u>
<u>2 KLAUS SITTE</u>	<u>LEGAL SERVICES ATTORNEY</u>
<u>4 BEA STEEN</u>	<u>GOLDEN ESTATES, HELENA, MT</u>
<u>5 BOB CRESTENSON</u>	<u>LEISURE COURT, LOLO, MT</u>
<u>6 JERRY JOHNSON</u>	<u>BILLINGS HEALTH DEPT. REPORT</u>
<u>7 JOHN WYMAN</u>	<u>GT. FALLS - MPA</u>
<u>8 BILL OLSEN</u>	<u>AARP</u>
<u>9 DORY RITROVATO</u>	<u>BUTTE, MT</u>
<u>10 LINDA LEE</u>	<u>MONTPIRG</u>
<u>11 CINDY MOREE</u>	<u>TRAVOIS VILLAGE - MISSOULA</u>
<u>12 CHET KINSEY</u>	<u>MONTANA SENIOR CITIZEN'S ASSOC.</u>
<u>13 LES McBIRNIE</u>	<u>WEST YELLOWSTONE, MT.</u>
<u>14 NANCY COLLINS</u>	<u>COVERED WAGON - BOZEMAN</u>
<u>15 WILBUR WHANGER</u>	<u>WESTVIEW - GLASCOW/MSLA</u>
<u>16 DAN SHEA</u>	<u>MT. LOW INCOME COALITION</u>
<u>17 JACK POSTLEWHAITE</u>	<u>LANDLORD</u>
<u>18 LELA DeCOCK</u>	<u>LEXLEY ACRES - BELGRADE, MT.</u>
<u>19 REP. HOWARD TOOLE</u>	<u>WORKERS TERMINATION</u>
<u>20 JIM PARKER</u>	<u>MPA STAFF</u>
<u>B SPONSOR CLOSES</u>	

LEASES: BILL #2 HB 321 [APPROX. 20 MINUTES]

A	REP. TIM DOWELL	SPONSOR HB 321
2	DEB WASINGER	TRAVOIS VILLAGE - MISSOULA
4	TERRY DALOUIST	MISSOULA VILLAGE WEST
6	MIKE SLEVIN	WEST YELLOWSTONE
7	PERCIE JONES	HOLLYWOOD T. C., MISSOULA
7	BILL OLSEN	AARP
8	ALICE JENKE	LEXLEY ACRES - BELGRADE, MT.
9	LLOYD ANDERSON	MSCA - [POSSIBLE]
10	ELEONOR WEND	FOREST PARK - BOZEMAN, MT.
11	JIM PARKER	MPA STAFF
B	SPONSOR CLOSES	

RULES/REGS: BILL #3 HB 422 [APPROX. 20 MINUTES]

A	REP. DON LARSON	SPONSOR HB 422
1	STACEY JAFFE	TARGET RANGE - MISSOULA
1	RON GRAFT	TRAVOIS VILLAGE - MISSOULA
2	JAN WORDEN	FOREST PARK - BOZEMAN, MT.
3	ALLEN PICKETT	MISSION MHC - STEVENSVILLE, MT.
4	RON WAGNER	TARGET RANGE - MISSOULA
6	MIKELLETE MEADE	TARGET RANGE - MISSOULA
6	JOEL WASINGER	TRAVOIS - MISSOULA
7	PAT KELLER	TRAVOIS - MISSOULA
8	GEORGJEAN OAKS	TWILIGHT - HELENA, MT.
9	KEN CRISP	TARGET RANGE - MISSOULA
10	KLAUS SITTE	ATTORNEY - LEGAL SERVICES
11	JIM PARKER	MPA STAFF
B	SPONSOR CLOSES	

CONFIDENTIAL
DATE 2-5-93
HS 245

Mr. Chairman, Members of the Committee:

My name is Jim O'Brien. I am an attorney in private practice in Missoula, Montana. I currently represent three different tenant associations which have sprung up in the last year and a half. The associations consist of owners and renters of mobile homes in various mobile home trailer courts in Missoula.

I request that you give serious consideration to the legislation being proposed to you this day. I am currently engaged in three separate landlord/tenant lawsuits. The first, and by far the largest, is the Travois Resident's Association. There are over 200 families involved in the Association. They were formulated principally to protect themselves from wide-ranging and preposterous regulations. The current state of the law allows landlords to impose "reasonable" rules and regulations upon their tenants. The tenants' only remedy is to seek redress in court. The current Landlord Tenant Act does not sufficiently protect mobile home owners and renters from arbitrary conduct on the part of the landlord. In particular, Moore Enterprises, the landlord involved in the Travois Mobile Home Trailer Park, has regularly engaged in practices which have imposed tremendous burdens on the residents. For example, the landlord has regularly terminated water supply without notice, opining that he is unable to provide advance notice for repairs to the water system. Moore Enterprises has publicly announced the imposition of a body of rules, some of which are clearly illegal (for example, refusal to accept cash as

payment for rent, unduly restricting the sale of mobile homes, requiring mobile homes within the trailer park to meet unspecified "beauty" standards).

Moore Enterprises has both publicly announced that the rules are in force and later claimed they were not. My clients are unable to rely upon anything the landlord says.

Moore Enterprises has engaged in a systematic breach of its agreement with the residents. Despite the promise of snow removal, regular video taping not only demonstrates the landlord's failure to timely remove snow. Regular mid-week videotaping has demonstrated that, despite multiple written and oral complaints, Moore Enterprises has refused to provide sufficient garbage service to meet the needs of the community.

As this testimony is being presented to you, service upon a second landlord has been obtained on a second lawsuit as a result of the landlord's unwillingness to respond to informal overtures to correct hazardous conditions. In particular, the Sherwood's Mobile Home Trailer Court Association is subjected to power lines so low as to be a danger to residents. Despite the fact that the residents informally requested, over six months ago, to have the condition remedied, the landlord has, nevertheless, ignored their requests. Currently, five family units in the Association are not receiving nor have they received hot water for over sixty days. Conditions at the Sherwood Court are deplorable. Nevertheless, the tenants remain vulnerable to arbitrary decision on the part of the landlord.

These tenants need the additional 'legislation proposed to you in order to obtain protection.

I mentioned at the outset that I represent three associations. The third association is a collection of 16 families out of a trailer court of 65. The landlord of the trailer court in which this association is formulated has, quite rightly, noted that the association is made up of less than a majority of the residents. He has, quite rightly, identified that the other tenants are not joining the association. The obvious question is, why? The answer is equally obvious. Just as the association began to formulate, one of the principles received a notice of termination. The termination notice was very public and, of course, included no reason for the termination. The termination had the desired effect: The tenant's union halted almost immediately. Why should the forty-nine families join a tenant's union when to do so jeopardizes their very home? Termination without just-cause prevents the equality of bargaining because the stakes are much higher to a family. In Missoula, the housing crush is so substantial that there is no viable means for a family to move its mobile home within thirty days.

Currently I am representing an individual single father of two children. Not uncommonly, like many families, there is an ongoing divorce. The father currently has custody of his children. In August of this year the father was at home with his children. The father was on the telephone engaged in a long-distance conference business call. Management presented itself on his doorstep and

demanding of the father's minor child that the father come and correct a minor trailer court violation immediately. When the father was unable to respond to management's demands, the child was verbally abused. When the father finally arrived at the doorstep, after leaving the conference call, the father confronted management with intemperate language over the treatment of his child. The next day the father received a thirty day notice of termination. No reason was given, but the father later learned that the intemperate language exchanged on his doorstep formulated the principal basis for termination.

Legislation is needed to prevent arbitrary evictions of tenants. While the Residential Landlord Tenant Act was progressive for its time, new legislation is necessary to recognize the changing demographics of housing and family circumstances. There are horror stories upon horror stories of landlord mistreatment of tenants.

The landlord/tenant relationship should be a business relationship. The landlord is entitled to protection from abusive tenants and to ensure the smooth operation of his business. Equally important, however, is the recognition that we are dealing with people's homes. The essence of the legislation before you is to assure that there is just-cause, a good reason to remove a family from their home. What we present to you today is not to empower the tenants to strip a landlord of his property rights. Rather, the legislation presented for your consideration merely equalizes the relationship between the parties. When there is a

bad reason, or no reason, to terminate tenancy, there is likewise no reason to have a person removed from his home. The landlords I have dealt with over the last year and a half opine cooperation while using every available avenue to obstruct a meaningful exchange of ideas and resolutions. Proponents of the legislation which is now before you have spent months attempting to receive input from landlord associations across the state of Montana. Landlords can be assured that the government supports evictions which are based upon appropriate reasons. Tenants, likewise, can be assured that they will not be removed from their home against their will without justification. I respectfully request that you recommend a "Do-Pass" to the legislation before you. All the population of Montana will benefit by a provision in the law which requires that people be given just-cause for the termination of their tenancy.

4
3-5-93
HB 245

MONTANA PEOPLE'S ACTION

5

HELENA HOUSING AUTHORITY

[A STUDY OF HB 245 - "GOOD CAUSE" EVICTION LEGISLATION]

From our research it is our contention that enacting HB #245, the "Good Cause" bill, into legislation would reduce the amount of evictions resulting in contentious litigation between mobile home owners living in mobile home courts and landowners. The "Good Cause" bill would clear up the grey areas in the current law and clearly demarcate the responsibilities of both the landowner and the mobile home owner.

In a letter from George Marble, the Administrative Officer of the Helena Housing Authority, he states that, "For public housing, the oldest leases I could find, with a provision that the housing authority must give the resident a reason for eviction, are dated 1975. For section 8, 1979."

"To the best of my knowledge based on nineteen years in public housing and through research done in 1990 when the housing authority revamped its lease, tenant handbook, and grievance procedure, the good cause provisions have never been a problem. I have not heard other housing authorities state a problem with the provision. Stating the reason for eviction has been required by HUD and contained in public housing leases for many years."

"Stating the cause for termination gives all parties to the process the same focal point for argument throughout the process relieving the bantering about extraneous issues."

"I can find no evidence that the housing authority has ever had to go to court to enforce an eviction."

The Housing Authority has shown that, since introducing their "Good Cause" clause into their leases, they have not gone to court to enforce any evictions. This is achieved by setting up the parameters of landowner/resident relationships into black and white terms.

With the knowledge that all federal housing contracts, as well as 28 other states in the Union, currently carry "Good Cause" eviction statutes, we must believe that this type of legislation is tried and true. We have painstakingly crafted HB #245 to model other state's laws and not 'go it alone'. We have drafted a bill that, although new by Montana standards, is conservative if we compare it to laws passed in neighboring, regional states. We urge you to consider the vast data supporting our beliefs that HB #245, "Good Cause" eviction legislation, is a fair, reasonable and timely bill for all Montanans who own mobile homes and live in mobile home courts.

State Office: 208 East Main Street, Missoula, Montana 59802 • (406) 728-5297
11 6th Street North, Great Falls, Montana 59401 • (406) 727-9962
530 South 27th Street, Billings, Montana 59101 • (406) 245-6106

202-07-4
2-5-93
#2-245



County of Yellowstone

CITY-COUNTY HEALTH DEPARTMENT



POST OFFICE BOX 35033
BILLINGS, MONTANA
59107

January 28, 1993

EXHIBIT 4
DATE 2-5-93
H3 245

Dennis McCord
118 South 30th
Billings, MT 59101

Dear Mr. McCord,

I would like to thank you for inviting the Yellowstone City-County Health Department to the Blaine's Trailer Court Tenants Association meeting. However, no one from our staff will be able to attend the meeting scheduled on January 29, 1993 at 7:00 p.m.

I will try to address your concerns and answer the questions about inspections and procedures in handling complaints.

Trailer courts are regulated under Title 50, Chapter 52, MCA (50-52-101 through 50-52-303). Inspections are conducted under Title 16, Chapter 10 Subchapter 7, ARM (16.10.701 through 16.10.717).

The Yellowstone City-County Health Department conducts compliance inspections of each trailer court in Yellowstone County a minimum of once per year. Additional inspections may be conducted in response to complaints. These types of inspections are usually made due to garbage, sewage or nuisance complaints.

If violations are found during an inspection the owner or manager is given written notice of the violation(s) and given a specified time period to abate the noted violation(s). If non-compliance of any violation occurs and is not corrected, the Yellowstone City-County Health Department requests that the Yellowstone County Attorney's office proceed with any enforcement action, which could include fines and, in extreme cases, an injunction to close the trailer court. In all cases we try to work with owners and complainants to achieve quick and satisfactory abatement of the problem.

It must be pointed out that the Yellowstone City-County Health Department does not have statutory authority for enforcing violations that are covered under the Landlord-Tenant Act.

Dennis McCord
January 28, 1993
Page two

Situations that are caused directly or indirectly by landlord such as no heat, electricity or water come under the Landlord-Tenant Act. It is recommended, under these circumstances, that the tenant seek legal counsel or call Montana Legal Services at 248-7113 or file under Small Claims Court.

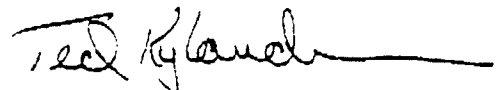
It must also be mentioned that if a landlord or owner refuses to abate certain violations or nuisances, the Yellowstone City-County Health Department's only recourse is to have the house or trailer closed to occupancy. This would require the tenant or renter to move within 30 days.

Complaints are confidential and our office does not give names of complainants, however, landlords have been known to give written eviction notices when notified about complaints. Our office has not control over these types of actions.

If our office cannot help in a particular situation we will always try to direct you to the proper agency where help may be obtained.

If you have any further questions, please call 256-2752

Sincerely,

A handwritten signature in dark ink, appearing to read "Ted Kylander", with a long horizontal flourish extending to the right.

Ted Kylander, R.S.

TK/ajt

cc: Vicki Coonfare, 206 Jim
Les Protopapas, 618 Richard

enclosures

(3) No tenant shall be required to give the landlord more than 30 days' written notice to terminate. [Formerly 91.880; 1991 c.67 §15]

90.630 Termination by landlord; causes; notice. (1) Except as provided in subsection (3) of this section, the landlord may terminate the rental agreement for space for a manufactured dwelling or floating home by giving to the tenant not less than 30 days' notice in writing before the date designated in the notice for termination if the tenant:

(a) Violates a law or ordinance which related to the tenant's conduct as a tenant; or

(b) Violates a rule imposed as a condition of occupancy.

(2) The notice required by subsection (1) of this section shall state facts sufficient to notify the tenant of the reasons for termination of the tenancy.

(3) The tenant may avoid termination of the tenancy by correcting the violation within the 30-day period specified in subsection (1) of this section. However, if substantially the same act or omission which constituted a prior violation of which notice was given recurs within six months, the landlord may terminate the tenancy upon at least 20 days' written notice specifying the violation and the date of termination of the tenancy.

(4) The landlord of a facility, as defined in ORS 90.500, may terminate the rental agreement for a facility space if the facility or a portion of it that includes the space is to be closed and the land or leasehold converted to a different use, which is not required by the exercise of eminent domain or by order of state or local agencies, by:

(a) Not less than 365 days' notice in writing before the date designated in the notice for termination; or

(b) Not less than 180 days' notice in writing before the date designated in the notice for termination, if the landlord finds space acceptable to the tenant to which the tenant can move the manufactured dwelling or floating home and the landlord pays the cost of moving and set-up expenses or \$3,500, whichever is less.

(5) The landlord may:

(a) Provide greater financial incentive to encourage the tenant to accept an earlier termination date than that provided in subsection (4) of this section; or

(b) Contract with the tenant for a mutually acceptable arrangement to assist the tenant's move.

(6) The Housing and Community Services Department shall adopt rules to implement the provisions of subsection (4) of this section.

(7)(a) A landlord shall not increase the rent for the purpose of offsetting the payments required under this section.

(b) There shall be no increase in the rent after a notice of termination is given pursuant to this section.

(8) Nothing in this section shall limit a landlord's right to terminate a tenancy for nonpayment of rent or any other cause stated in ORS 90.100 to 90.940 by complying with ORS 105.105 to 105.165.

(9) Nothing in subsection (4) of this section shall prevent a landlord from relocating a floating home to another comparable space in the same facility or another facility owned by the same owner in the same city if the landlord desires or is required to make repairs, to remodel or to modify the tenant's original space. [Formerly 91.886; 1991 c.844 §12]

(Ownership Change)

90.670 Payment of storage charges before removal of dwelling. (1) The landlord may serve a copy of the notice required by ORS 90.425 (2) or 90.690 (2) by certified mail on any lienholder. A tenant or a lienholder to whom the landlord has sent a copy of the notice, or a successor in interest to such a lienholder, shall not remove the manufactured dwelling from the facility without paying to the landlord reasonable storage charges, not exceeding the monthly rent last payable by the tenant, accruing since the notice was sent to the lienholder.

(2) The landlord may screen a purchaser from a lienholder who wishes to remain as a tenant under the same terms and conditions as the landlord could apply to a purchaser from the tenant as provided in ORS 90.510 (5)(i) and 90.680. [Formerly 91.915; 1991 c.844 §13]

90.680 Right to sell dwelling on rented space; notice prior to sale; duties and rights of prospective purchaser. (1) No landlord shall deny any manufactured dwelling or floating home space tenant the right to sell a manufactured dwelling or floating home on a rented space or require the tenant to remove the home from the space solely on the basis of the sale.

(2) The landlord shall not exact a commission or fee for the sale of a manufactured dwelling or floating home on a rented space unless the landlord has acted as agent for the seller pursuant to written contract.

(3) The landlord may not deny the tenant the right to place a "for sale" sign on or in a manufactured dwelling or floating home

§ 38-12-203. Reasons for termination

(1) After July 1, 1973, a tenancy shall be terminated pursuant to this part 2 only for one or more of the following reasons:

- (a) Failure of the home owner to comply with local ordinances and state laws and regulations relating to mobile homes;
- (b) Conduct of the home owner, on the mobile home park premises, which constitutes an annoyance to other home owners or interference with park management;
- (c) Failure of the home owner to comply with written rules and regulations of the mobile home park either established by the management in the rental agreement at the inception of the tenancy, amended subsequently thereto with the consent of the home owner, or amended subsequently thereto without the consent of the home owner on sixty days' written notice if the amended rules and regulations are reasonable, except when local ordinances and state laws and regulations or emergency situations require immediate compliance. However, regulations applicable to recreational facilities may be amended at the discretion of the management. For purposes of this paragraph (c), when the mobile home is owned by a person other than the owner of the mobile home park, the mobile home is a separate unit of ownership, and regulations which are adopted subsequent to the unit location in the park without the consent of the home owner and which place restrictions or requirements on that separate unit are prima facie unreasonable. Nothing in this paragraph (c) shall prohibit a mobile home park owner from requiring compliance with current park unit regulations at the time of sale or transfer of the mobile home to a new owner. Transfer under this paragraph (c) shall not include transfer to a coowner pursuant to death or divorce or to a new coowner pursuant to marriage.

(d)(i) Condemnation or change of use of the mobile home park. When the owner of a mobile home park is formally notified by an appropriate governmental agency that his mobile home park is the subject of a condemnation proceeding, the landlord shall, within seventeen days, notify his home owners in writing of the terms of the condemnation notice which he receives.

(ii) In those cases where the zoning law allows the landlord to change the use of his land without obtaining the consent of the zoning authority and where such change of use would result in eviction of inhabited mobile homes, the landlord shall first give the owner of each mobile home subject to such eviction a written notice of his intent to evict not less than six months prior to such change of use of the land, notice to be mailed to each home owner.

(e) The making or causing to be made, with knowledge, of false or misleading statements on an application for tenancy.

(2) In an action pursuant to this part 2, the landlord shall have the burden of proving that he complied with the relevant notice requirements and that he provided the home owner with a statement of reasons for the termination. It

shall be an affirmative defense that the landlord's allegations are false or that the reasons for termination are invalid.

(Laws 1973, S.B.332, § 1; Laws 1979, S.B.436, § 3; Laws 1981, H.B.1524, § 4; Laws 1984, H.B.1170, § 1; Laws 1987, H.B.1171, § 4.)

Prior Compilations: C.R.S.1963, § 58-2-3.

Historical and Statutory Notes

As enacted subsec. (1)(c) and (d) provided:

"(c) Failure of the tenant to comply with rules and regulations of the mobile home park either established by the management in the rental agreement at the inception of the tenancy, amended subsequently thereto with the consent of the tenant, or amended subsequently thereto without the consent of the tenant on sixty days' written notice if the amended rules and regulations are reasonable, except when local ordinances and state laws and regulations or emergency situations require immediate compliance. However, regulations applicable

to recreational facilities may be amended at the discretion of the management.

"(d) Condemnation or change of use of the mobile home park."

The 1979 amendment rewrote subsec. (1)(d). The 1981 amendment inserted "written" preceding "rules and regulations" near the beginning of subsec. (1)(c).

The 1984 amendment to subsec. (1)(c) added the concluding sentence thereto.


The 1987 amendment substituted references to "home owner" for "tenant" throughout the section.

Cross References

Burden of proof, see § 13-25-127.

Library References

State of
Colorado



Missoula Housing Task Force

City of Missoula
Missoula County
The University of Montana

4
2-5-93
43 245

Phone: 406-523-4718

Chairman and Members of the House Committee on Business and Economic
Development
Capitol Building
Helena, Montana 59601

Dear Chairman and Members of the House Committee on Business and
Economic Development:

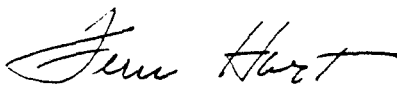
On behalf of the Missoula Housing Task Force, we urge you to support the Good Cause Legislation for mobile home court residents. The Missoula Housing Task Force includes representation from over 35 community organizations and businesses including: all of Missoula's banks and savings and loans; Montana People's Action; Missoula County Association of Realtors; Missoula Building Industry Association; Missoula Food Bank; Missoula Housing Authority; District XI Human Resource Council; Missoula Habitat for Humanity; Alliance for the Mentally Ill; Aging Services; Summit Independent Living, Inc. (disabled advocate); Missoula Head Start; Poverello Center (Homeless Shelter); Stepping Stones (mentally disabled); WORD; YWCA; Refugee Assistance Council; The University of Montana; and individual property managers, developers, planners, and numerous city and county agency staff.

The Task Force as a whole has developed, endorsed, and is implementing over 35 recommendations to improve the availability of safe, healthy, affordable housing in Missoula. With the Task Force's support, Montana People's Action is taking the lead on several of these recommendations concerning mobile home courts. The Task Force recommended that MPA take steps to improve the management of mobile home courts. Missoula's recent experience with sub-standard health conditions in several courts has made clear how essential good management is to the provision of affordable, safe mobile home court housing. Without good cause legislation, residents are at risk in their efforts to improve the health and safety of their courts.

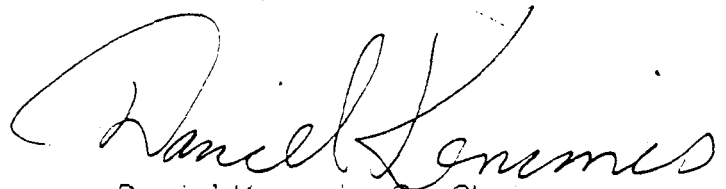
The Task Force has found that the biggest barrier to the creation of new courts is the availability of land close to water and sewer that is zoned appropriately for mobile home court development. Mobile home courts must have reasonable costs in providing water and sewer if they are to be feasible in offering affordable housing. Again, MPA will be working with other Task Force members through Missoula's Zoning revision process to support zoning that would allow location of courts where infrastructure already exists, and close to necessary services such as schools and grocery stores.

The Task Force also endorses the concept of cooperation and involvement of tenants in managing the affairs of the developments in which they live. Experience nation-wide has shown that tenant involvement reduces maintenance costs and promotes stability over the long run. Good Cause Legislation is a good step in that direction.

Sincerely:



Fern Hart, Co-Chair
Commissioner, Missoula County



Daniel Kemmis, Co-Chair
Mayor, City of Missoula

EXHIBIT 4
DATE 2-5-93
HB 245

DOCUMENTED ATTEMPTS TO MEET WITH MONTANA LANDLORD ASSOCIATION TO DISCUSS MOBILE HOME COURT LEGISLATION

Mobile home court residents have consistently attempted to engage Montana landlords in a collaborative effort to resolve mobile home court problems in the state of Montana. Prior to the 1991 session of the State legislature, and our first attempt to gain protective legislation for mobile home court residents, many meetings were held in the hopes of reaching a cooperative agreement. The meetings were a failure and did not result in anything resembling common ground. After the 1991 session, members of Montana People's Action initiated a series of meetings with Montana landlords. Meetings were held in the months of January, February, April, May, September, October, and November of 1992. Some of the language of our current proposals came as a result of these meetings. Although some landlords agreed philosophically with the concept of good cause, the general feeling was that their constituency could not. Therefore, collaborative agreement concerning legislation that could effectively address unjust evictions in mobile home courts failed to emerge.

On November 12, 1992, members of MPA met with Dan Woods, President of the Montana Landlord's Association in hopes of developing a collaborative legislative approach. The meeting was productive in that Mr. Woods appeared genuinely concerned about problems in mobile home courts and expressed a willingness to take the issue to his membership for discussion. On December 10, 1992, Montana People's Action sent all three mobile home court bills to Mr. Woods and requested additions or subtractions from the proposed language. A December 18, 1992 meeting with Mr. Woods, in Bozeman, was canceled by Mr. Woods on the morning of the meeting. A second scheduled meeting for January 5, 1993, was canceled by Mr. Woods on January 4, 1993. Many letters and phone calls from Montana People's Action requesting collaboration were also not returned during this period. On Jan. 11, 1993 a final letter was sent to Mr. Woods requesting he respond by January 19, 1993, with the concerns of the Montana Landlord's Association regarding our legislation. Mr. Woods phoned Montana People's Action on January 20, 1993, and ended any realistic hope for a collaborative effort by informing us that "Good Cause" was just not acceptable.

Other efforts to involve landlords in legislative discussion included a meeting with members of the Western Montana Landlord Association and the Missoula County Realtor's Association on January 19, 1993. Another meeting was requested by Montana People's Action but the request went unheeded. In fact, Mr. Bruno Friia, representing the Missoula County Realtor's Association promptly sent a letter to members of the business and economic development committee strongly opposing our Good Cause bill. The concerns that Mr. Friia and other landlords had with HB 245 were subsequently amended into the current form to produce a strong, well balanced piece of legislation.

SUMMARY OF COLLABORATIVE ATTEMPTS

Montana People's Action has continually urged landlords to become involved in a joint problem solving effort and work together to produce effective legislation. Unfortunately, the collaboration has been largely one-sided.

- * 1980 - 1990 - Many meetings between mobile home court residents and Montana landlords. No common language agreed upon.
- * 1991 LEGISLATIVE SESSION - Comprehensive MHC bill introduced, stopped in committee hearing.
- * 1992: Meetings with the Montana Landlord's Association -
 - * January
 - * February
 - * April
 - * May (Some common language resulting in proposed
 - * September additions to Mt. Landlord/Tenant Act -
 - * October Inability to resolve deadlock on "GOOD CAUSE")
 - * November
- * Meetings with Dan Woods, (President, Montana Landlord Assoc.)
 - * November 12, 1992 - Request for collaboration by MPA
 - * December 10, 1992 - MPA sends all three bills to Mr. Woods
 - * December 18, 1992 - Meeting canceled by Mr. Woods on morning of scheduled meeting
 - * January 5, 1993 - Meeting canceled by Mr. Woods on January 4, 1993.
 - * January 5 to 19 - Several letters and phone calls with no response.
 - * January 11, 1993 - Final Letter requesting collaboration and a January 19 response.
 - * January 20, 1993 - Phone call by Mr. Woods terminating further discussion.
- * Meetings with Bruno Friia and association representing the Western Montana Landlord's Association and the Missoula County Realtor's Association.
 - * January 19, 1993 - MPA representatives meet with Realtors and request further meetings. Invitation declined.
 - * January 24, 1993 - MPA responds to letter by Mr. Bruno Friia by amending Good Cause bill.
- * Drug Dealer compromise - In response to landlord concern over issues involving potential drug dealing in mobile home courts, MPA added language to Good Cause bill. (preponderance of evidence 1/8/93)

4
2-5-93
HB 245

February 4, 1993

Statement in Support of HB 245, 321 and 422 before the House Business Committee, Friday, February 5, 1993.

Representative Steve Benedict, Chair.

Mr. Benedict and Members of the Committee:

I have read drafts of these proposed bills and would like to encourage a do pass vote on this legislation. Mobile home owners and tenants represent a significant percent of the work force in West Yellowstone. The lack of this kind of legislation, particularly good cause regulation, has placed several families in jeopardy as we speak. While this legislation may not resolve all of their problems, it will definitely help them now and in the future by giving them the same rights and protections afforded those who live in conventional housing

There has been some concern about how this law could affect developments in Montana's communities. In West Yellowstone the thing that is stifling mobile home court development is the cost of real estate and zoning. I can do nothing about the first and am trying locally to resolve the zoning problem for the future.

I fail to see how these proposed regulations will harm communities when many of the rights mobile home owners are asking for are presently enjoyed by tenants in conventional housing.

I further believe these acts may provide some stimulus to improve courts and parks around the state.

In conclusion, mobile homes are a significant housing resource to thousands of Montanans. Please do not deny these people the protections they need. I ask for a do pass recommendation from your committee.

Sincerely,

Ken Davis
Town Council Member
West Yellowstone

A STUDY: HB #245

COMPARISON OF HB #245's REASONS TO EVICT, VERSUS SIMILAR REASONS FOUND IN OTHER WESTERN AND CENTRAL STATES THAT ALREADY HAVE "GOOD CAUSE" PROVISIONS

- (a) Non-payment of rent or late charges. (HB #245)

WISCONSIN, NORTH DAKOTA, NEBRASKA, MICHIGAN, MINNESOTA, IDAHO, NEVADA,
COLORADO, CALIFORNIA.

- (b) Violation of park rules. (HB #245)

WISCONSIN, NORTH DAKOTA, NEBRASKA, MICHIGAN, MINNESOTA, IDAHO, NEVADA,
COLORADO, CALIFORNIA, NEW MEXICO, OREGON.

- (c) Disorderly conduct on park premises that results in the disruption of
the rights of others to the peaceful enjoyment and use of the premises,
endangers other residents or park personnel, or causes substantial damage to
the park premises. (HB #245)

WISCONSIN, NORTH DAKOTA, MICHIGAN, MINNESOTA, NEVADA, COLORADO,
CALIFORNIA, NEW MEXICO, OREGON.

- (D) Conviction of the mobile home owner or tenant of the mobile home owner
of a violation upon the park premises of a federal or state law, or local
ordinance, when the violation is detrimental to the health, safety, or welfare
of other residents or the landlord of the mobile home park; (HB #245)

WISCONSIN, NORTH DAKOTA, NEBRASKA, MICHIGAN, MINNESOTA, NEVADA, COLORADO,
CALIFORNIA, NEW MEXICO.

or the landlord's documentation, by a preponderance of the evidence of
a violation of a felony controlled substance offense.

CALIFORNIA

- (e) Changes in the use of the land. (HB #245)

MICHIGAN, NEVADA, COLORADO, CALIFORNIA, NEW MEXICO, OREGON.

LEXLEY ACRES - BELGRADE, MT.

12

EXHIBIT 4
DATE 2-5-93
HO 245

Lexley group

8/30/91

Lot rents will go up \$10/mo. Oct 1st, '91.

I'm getting rid of all people who ignore the court rules. So far I've evicted 2 mobiles 3 mos. ago, 10 mobiles 2 mos ago, & 4 mobiles this last mo.

I'm tired of fighting with people! There are a lot of good people out there with no place to go!

The biggest reasons for eviction are:

- lawns not watered, mowed, & trimmed
- Kids that do not stay out of other's yards & damage to the playground
- sneaking in new dogs & loose dogs
- overhauling vehicles in the park
- not paying rent on time
- dumping garbage on the ground

Some mobiles are moving & some are being sold by Mobile Housing. There are a lot of good people in the park & they don't deserve people next door who trash the neighborhood.

Jimmy Stinner
388-6095

Lepley Drive 2/26/92

It is time for spring cleaning. No outside storage! Get a shed.
I'm looking for the worst yard in each street to evict!

I'm also looking for:

- new dogs!! loose pets!! barking!! all dogs + cats must be registered + neutered!!
- junking yards (no outside storage on the lawn against the mobile or behind.)
Bikes + toys must be stored when not in use!!
- late rent payers after the 5th (eviction on the 10th)
- no dumping garbage on the ground instead of in the dumpsters! I will pay a reward for the name or license plate of persons dumping on the ground or people not from the park who use our dumpsters Your name will not be used
- no parking on the grass + no junk vehicles
- no hot cars in the dumpster (must be cold + 2 days old)
- unlighted houses (must be lighted all 4 sides)
- unpainted wood (skirting, fences, porches, steps, + sheds) this spring
- any disturbing the peace + quiet of the park! no loud parties!!
- Children must stay out of other peoples yards unless invited
no B-B gun shooting in the park
any damage to the playground area will result in your eviction
I will not put up with children who mess with other peoples stuff.

Let us all take pride in where we live and make this a better place.
If you find any rats kids might throw please put them in the dumpsters. We don't need broken windows!!

Gary Swenson 388-6095

TESTIMONY IN SUPPORT OF
HB 321 and HB 422

4
2-5-93
HB 245

by Rosanne Donahoe and Nancy Owens,
Mediation Consultants

Chairman and members of House Committee on Business and Economic
Development:

A key part of HB 321 and HB 422 is the provision for mediating disputes that arise between landlords and tenants. Mediation saves money because it has proven effective and far less expensive than going to court.

We were both trained as mediators at the Dispute Resolution Center of Snohomish County in Washington State, which provides free mediation services to assist landlords and tenants in resolving their disputes under Washington's Landlord-Tenant Act.

Mediation is an alternative to going to court. In mediation a neutral third party, trained in mediation skills, assists the disputing parties to come to a resolution of their conflict.

Mediation is a "neighborly" process as opposed to an adversarial one. It allows parties to come together in a neutral atmosphere and talk to each other. Often the mediation setting will be the first time the disputants actually sit down face-to-face and tell each other what their problem is. The neutral atmosphere allows each party to "hear" the other. Valuable information about the dispute is exchanged. Mediation acknowledges the whole person --issues, interests, emotions, complexity-- and empowers people to work through their own hurts and grievances, listen to and acknowledge others' hurts and grievances, and arrive at a new place of both issue resolution and relationship. During mediation the parties develop a mutually acceptable settlement. A successful mediation provides emotional/psychological satisfaction as well as substantive satisfaction.

Mediation works. Mediated settlements have a better track record than litigated settlements. Seventy-one percent of mediated settlements are followed (actually carried out by the parties), compared to only 34% of litigated settlements, which suggests that when parties make their own agreement they can live with it.

Mediation saves money for everyone because it avoids the costly process of going to court.

For 11 years Washington State has had a Landlord-Tenant Act that requires disputants to go to mediation before going to court. The statewide Mobil Home Park Association has had such positive experiences, they now endorse the legislation providing for mediation. It saves the landlords money. It allows tenants to solve their problems without having to hire an attorney.

In summary, experience has shown that landlord-tenant legislation which provides for mediation can protect the tenant and the landlord, and avoid costly court challenges.

Rosanne Donahoe

Nancy Owens

"GOOD CAUSE" EVICTION BILL

**[DEVELOPED BY THE MEMBERS OF MONTANA PEOPLE'S
ACTION AND MOBILE HOME COURT RESIDENTS STATEWIDE]**

WHY THIS BILL [HB 245] IS A COMPROMISE:

11 WE CHANGED THIS LANGUAGE TO ADDRESS AND SOLVE THE
MAJOR CONCERN OF THE MT. LANDLORD'S ASSOCIATION. THE
PRESIDENT, DAN WOODS, TOLD ME ON JANUARY 20, 1993 THAT
11 THEY SUPPORTED THIS CHANGE.

THE ORIGINAL BILL LANGUAGE WAS: (SEC.2.1d)

[THE 4TH OF FIVE REASONS TO EVICT WITH GOOD CAUSE]

**"THE TENANT'S CONVICTION OF A CRIME, COMMISSION OF WHICH
THREATENS THE HEALTH, SAFETY, OR WELFARE OF OTHER
RESIDENTS OR THE LANDLORD"**

THE COMPROMISE BILL LANGUAGE NOW READS:(SEC.2.1d)

[THE 4TH OF FIVE REASONS TO EVICT WITH GOOD CAUSE]

**"CONVICTION OF THE MOBILE HOME OWNER OR TENANT OF THE
MOBILE HOME OWNER OF A VIOLATION UPON THE PARK
PREMISES OF A FEDERAL OR STATE LAW, OR LOCAL ORDINANCE,
WHEN THE VIOLATION IS DETRIMENTAL TO THE HEALTH,
SAFETY, OR WELFARE OF OTHER RESIDENTS OR THE LANDLORD OF
THE MOBILE HOME PARK, OR THE LANDLORD'S DOCUMENTATION,
BY A PREPONDERANCE OF THE EVIDENCE OF A VIOLATION OF A
FELONY CONTROLLED SUBSTANCE OFFENSE. "**

(ITALICS ADDED FOR EMPHASIS)

**THIS LANGUAGE ADDRESSES THE MAIN CONCERN OF THE MT.
LANDLORD ASSOCIATION'S OPPOSITION TO THE "GOOD CAUSE"
BILL AS ARTICULATED TO THE RESIDENTS OF MOBILE HOME
COURTS THROUGHOUT THE MANY MEETINGS IN 1992.**

February 3, 1993

Mr. Chairman and members of the committee,

We the members of the Great Falls Mobile Home Court Residents' Association urge you to support Montana People's Action's Good Cause eviction legislation, HB 245. We, as an association are committed to improving the quality of our communities, so we support the five justifiable reasons for eviction proposed in this bill. Living in fear of unjust eviction is not conducive to building a more livable community. We, like the land owners, desire to get bad tenants out of our communities, and retain the good ones. We see a healthy balance in this bill as it protects us, the upright members of the community, and supports the removal of undesirable residents. We regret that our members were unable to attend this hearing. Please understand that many of us are elderly citizens who have difficulty traveling long distances. This fact makes us particularly susceptible to the horror of unjust eviction. We thank you for hearing our testimony, and for your support of this critical legislation.

Sincerely, members representing the Great Falls
Mobile Home Court Resident Association

<u>Sue Samples</u>	<u>Leonard T. Lane</u>	<u>Francesco Lane</u>
<u>Debra Cockrell</u>	<u>Theresa Wilson</u>	<u>Vera McGarity</u>
<u>Larry Colwell</u>	<u>Paul Robinson</u>	
<u>Larry Colwell</u>		

1
2-3-93
JG:GUR

Summary of State Charts

Mobile Home Statutes

<i>Prohibits Tie-Ins</i>	13 states: AL, AZ, CO, IL, MA, NEB, NV, NY, MI, OH, OR, VA, WI
<i>Written Lease Required</i>	18 states: MI, NJ, AZ, CA, CO, CT, DE, ID, MD, MA, MN, NH, NM, UT, VT, VA, WA, WI; Must be offered—6 states: IL, IA, NY, OH, OR, RI
<i>1 yr. Lease Term</i>	4 states: CT, FL, MD, OH; Must be offered—9 states: CA, DE, IL, IA, NY, OR, RI, WA, WI
<i>Automatic Renewal</i>	7 states: AZ, CA, ID, IL, NJ, WA, WI; DE automatic renewal except by 60 day notice by landlord
<i>Prohibits Entrance Fee</i>	17 states: CA, CO, CT, DE, ID, MD, MI, MN, NV, NM, NY, RI, UT, VT, VA, WA, WI; Allows limited entrance fee: AZ, IA
<i>Good Cause Eviction</i>	28 states: AK, NJ, AZ, CA, CO, CT, DE, FL, ID, IL, ME, MD, MA, MI, MN, NE, NY, NH, NM, NY, ND, OH, OR, PA, RI, UT, VT, WA
<i>Prohibits Restriction in Choice of Vendor</i>	24 states: AZ, CA (limited), CT, DE, FL, ID, IL, ME, MD, MA, MI, MN, NH, NJ, NY, OH, OR, PA, RI, UT, VT, VA, WA, WI
<i>Prohibits Unreasonable Rules/Regs.</i>	21 states: AZ, CO, CT, DE, IL, IA, ME, MD, MN, MA, NE, NV, NH, NJ, NM, NY, OH, PA, RI, UT, VA
<i>Prohibits Retaliatory Eviction</i>	21 states: AZ, DE, FL, ID, IL, IA, MD, MA, MN, NE, NH, NJ, MN, NY, OH, OR, PA, RI, VA, WA, WI
<i>Allows Subleasing</i>	6 states: AZ, ID, NE, NV, NY, VT
<i>Allows Sale of Home in Park</i>	28 states: AZ, CA, CO, CT, DE, FL, ID, IL, IA, ME, MD, MA, MI, MN, NE, NV, NH, NM, NY, OH, OR, PA, RI, UT, VT, VA, WA, WI
<i>Allows Assignment of Lease</i>	5 states: CT, DE, FL, NY, MA
<i>Allows For Sale Signs</i>	9 states: AZ, CA, FL, ME, MN, NV, NH, OR, UT
<i>Relocation Expenses</i>	9 states: AZ, CA, FL, ME, MN, NV, NH, OR, UT
<i>Right of 1st Refusal</i>	6 states: CT, DE, FL, MA, NH, VT
<i>Buyout at Fair Market Value</i>	2 states: FL, MI
<i>Prohibits Exit Fees</i>	15 states: AZ, DE, FL, ID, IA, MD, MI, MN, NE, NV, NY, PA, UT, WA, WI
<i>Notice of Change of Use</i>	20 states: AK, AZ, CA, CO, CT, DE, FL, ID, MD, MA, MN, NV, NM, OH, OR, PA, RI, UT, VT, WA
<i>State Remedies</i>	18 states: AK, CT, DE, FL, ID, IN, MD, ME, MA, MI, MN, NV, NH, NY, ND, RI, UT, VA
<i>Private Remedies</i>	22 states: AZ, CA, CO, DE, FL, ID, IL, IA, ME, MA, MD, MI, MN, NE, NM, NV, OH, OR, PA, RI, UT, WA
<i>5 yr. Lease</i>	1 state: CA (provides for long term leases)
<i>Fees Disclosed in Lease</i>	18 states: CA, CT, DE, FL, ID, IL, ME, MA, NV, NJ, NM, NY, OH, OR, PA, RI, WA, WI
<i>Prohibits Guest Fees</i>	9 states: AZ, CA, CT, MD, MN, NV, PA, VA, WA

<i>Prohibits Pet Fees</i>	3 states: CA, NV, NH
<i>Other Fees Prohibited</i>	23 states: AZ, CA, CO, CT, DE, FL, IL, IA, ME, MA, MI, NE, NV, NH, NJ, NM, NY, OH, PA, RI, VT, VA, WA
<i>Non-Payment of Fees and Late Charges Grounds for Eviction</i>	14 states: CA, CT, DE, ID, IN, ME, MI, NV, NH, ND, RI, UT, WA, WI
<i>Cure Provision</i>	20 states: AZ, CA, CT, DE, FL, ID, IA, ME, MA, MN, NV, NH, NY, OH, OR, PA, RI, UT, VA, VT
<i>Requirement of Court Procedure Before Eviction</i>	5 states: IL, MD, NM, RI, UT
<i>Rent Withholding/Receivership</i>	5 states: DE, FL, NH, OH, VA
<i>Limited Right to Evict for Non-Compliance with Rules</i>	6 states: AZ (no eviction), IA, MD, MA (30 day notice), OH (material violation), PA
<i>Adequate Time after Eviction to Sell Home</i>	2 states: MA, MN
<i>Park Owner Right to Veto New Purchaser</i>	25 states: AZ, CA, CT, DE, FL, ID, IL, IA, MD, MA, MI, MN, NE, NV, NH, NJ, NM, NY, OH, OR, PA, RI, UT, VT, WA
<i>Outlines Landlord's Maintenance Obligations</i>	14 states: AZ, CT, DE, FL, IL, MD, NE, NV, NM, ND, OH, OR, VA, WA
<i>Warranty of Habitability</i>	2 states: ME, NY
<i>Prohibits Consideration of Age of Mobile Home Upon Sale</i>	6 states: AZ, CA, DE, MI, WA, WI
<i>Utility Provision</i>	15 states: AZ, CA, FL, IL, MD, ME, MA, MI, MN, NE, NH, RI, UT, VA, WI
<i>Specific Rules Prohibited</i>	16 states: AZ, DE, FL, IL, IA, ME, MD, MI, NM, NH, NJ, MN, NY, OR, PA, UT
<i>Waiver of Rights Provision Prohibited</i>	22 states: AZ, CA, CO, CT, DE, FL, ID, IL, IA, ME, MD, MI, NE, NV, NJ, NM, OH, PA, RI, UT, VA, WA
<i>Preemption of State Laws</i>	No states



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CHAIRMAN
Mr. Gene Quenemoen
606 Frank Road
Belgrade, MT 59714
(406) 388-6982

MONTANA STATE LEGISLATIVE COMMITTEE

VICE CHAIRMAN
Mr. Robert J. Souhrada
915 13th Street West
Columbia Falls, MT 59912
(406) 892-4642

EXHIBIT 5
DATE 2-5-93
HB 245
SECRETARY
Mrs. Florence R. Coslet
312 Cook Street
Lewistown, MT 59457
(406) 538-2674

AARP Testimony
Mobile Home Bill HB 245
February 5, 1993

Mr. Chairman & Members of the Committee:

For the record I am William (Bill) Olson and I am a member of the State Legislative Committee for The American Association of Retired Persons(AARP). AARP has approximately 110,000 members in the State of Montana _ one in every eight persons in the state. Our members are 50 years of age and older, and many(number unknown) reside in Mobile Home Parks.

AARP policy, both Nationally and Statewise, is that states and localities have an essential role to play in expanding housing options for older persons and protecting their rights as housing consumers. Identifying regulatory barriers and developing action plans to improve housing conditions are included in action to be taken by states and localities.

AARP advocates that legislation be enacted to protect the rights of older(as well as younger) mobile home owners to include the following:

1. Protection against unfair evictions.
2. Requiring written long term leases.
3. Posting of and tenant participation in formation of Park Rules
4. Prior notice of Rent and Fee increases.

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Mrs. Florence R. Coslet
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Lewistown, MT 59457
(406) 538-2674

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leadership to serve all generations.

5. Full disclosure in plain English of Rents, Fees
Charges and assessments.

AARP's state legislative committee for Montana believe that HB 245
address's many of these issues and urges its passage.

Thank You.

William Olson

MontPIRG

Montana Public Interest Research Group

360 Corbin Hall □ Missoula, MT 59812 □ (406)243-2907

2/3/93

EXHIBIT 6
DATE 2-5-93
HB 245

Testimony For House Bill 245

Chairman Benedict and Members of the House
Business and Economic Development Committee:

For the record, my name is Linda Lee, Executive Director of MontPIRG. The Montana Public Interest Research Group (MontPIRG) is a non-profit, non-partisan research and advocacy organization located on the University of Montana campus. MontPIRG represents 2500 student members and 1500 community members statewide.

We support House Bill 245 because the bill provides protection for mobile home owners. As the current landlord tenant law is written, people who rent space in mobile home courts have little recourse when given a thirty day notice to vacate.

MontPIRG receives an average of 25 tenant-landlord calls per week on our consumer hotline. We have found mobile home owners to be in a particularly vulnerable position. A 30 day notice for termination of a rental contract for a mobile home space with no good cause is simply not acceptable for the security of a family.

Considering the housing crisis we are now experiencing in Missoula, the relationships between people acting as landlords and their tenants needs to be clarified and balanced.

Good Cause eviction would help alleviate and clarify some of the current housing problems encountered by a large portion of Montana's population.

Montana People's Action, with others, is taking a lead in creating an opportunity for improved housing in Missoula. I would like to refer to a letter you all have in your packet from Mayor Dan Kemmis and County Commissioner Fern Hart and the Missoula Housing Task Force. "The task force...endorses the concept of cooperation and involvement of tenants in managing the affairs of the developments in which they live. Experience nation-wide has shown that tenant involvement reduces maintenance costs and promotes stability over the long run. Good Cause legislation is a good step in that direction."

We strongly urge you to read the letter from the task force. And vote "do pass" on House Bill 245.

Students and citizens working for educated consumers, a clean environment and a more responsible government.



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EXHIBIT 7
DATE 2-5-93
HB 245

TESTIMONY ON HOUSE BILL 245
BEFORE THE HOUSE BUSINESS COMMITTEE
FRIDAY, FEBRUARY 5, 1993

My name is Greg Van Horssen. I represent the Income Property Managers Association and the Montana Landlords Association. Together these groups have over 1500 members in Montana and administer over 50,000 rental units in the state. Members of the IPMA and the MLA are dedicated to providing quality and affordable rental housing to Montana residents.

The IPMA and the MLA oppose House Bill 245. Prior to getting into the reasons for these groups opposition to the Bill, it is important to recognize a few important points about an individual's decision to provide housing in the form of a mobile home park.

The operator of a mobile home park, it should be noted, operates a business. Presumably, that individual has decided to develop the mobile home park on his or her own or has purchased an on going enterprise. Built into the decision to provide mobile home space by developing or purchasing such a business is the assumption that the mobile park owner will have control over the important business decisions surrounding the operation of the enterprise.

House Bill 245 destroys all assumptions that the owner of this particular type of business will be able to control the critical business decisions. The Bill represents a serious attack on a mobile park operator's ability to operate a business and, just as importantly, makes it virtually impossible for the owner to guaranty a pleasant environment for all tenants.

Not only does House Bill 245 limit a property owner's ability to terminate a tenancy, it also places unworkable procedural requirements

on tenancy termination. The onerous procedural requirements found in HB 245 result in a tremendous windfall to those tenants who may be in violation of the rental agreement and will actually work to the detriment of good tenants who understand the necessity of living in harmony with their neighbors in the park.

To begin with, HB 245 provides that an owner can terminate a tenancy for the non-payment of rent. That makes sense. An individual's failure to pay rent is a breach of contract and also impacts the owner's ability to realize the positive cash flow necessary to maintain the park. But HB 245 does not stop there. For, under HB 245, in order for the owner to terminate a tenancy for the failure to pay rent, the owner must first file with the renter four notices of late rental payments. And, importantly, only one late notice can be filed in a given month.

Therefore, the net effect of HB 245 is that the tenant must be allowed to go delinquent on rental payments for a period of up to four months before the owner has the statutory right to remove the renter. All of this at the expense of the owner. All of this having an impact on the owner's ability to pay for services and maintenance in the park.

It should be noted that a mobile home park is generally not recognized as a high profit margin enterprise. In order for the business to operate efficiently, indeed, in order for any business to operate efficiently, it is necessary that cash flow be predictable and payments be made in a timely fashion. To create in Montana the statutory right to withhold payment of rents for a period of three months could very possibly put many of these enterprises out of business and will undoubtedly serve to discourage any individual from developing additional housing.

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House Bill 245 further provides that late payment of fees or non-payment of fees or late charges cannot be used as the basis of a termination. These fees are often charged to cover the necessary maintenance of common areas within the park. House Bill 245 provides no remedy to the owner if a tenant chooses not to pay maintenance fees and would require that the owner carry these fees for the non-paying tenant with virtually no recourse.

All of this, of course, would impact the owner's ability to provide services to park residents. Services that are well deserved by the residents, particularly those who have remained current on all rents and fees. If HB 245 is implemented and all residents are guaranteed three months of non-payment before termination, it is conceivable that the owner would be forced to raise the paying tenants' rents in order to cover the deficit. Clearly the result of raised rents is contrary to the intent of this type of bill.

The Bill also creates significant barriers to an owners ability to terminate a tenant who violates park rules. First, it requires that the termination for the violation of a rule can only take place if the rule is not unfair, unreasonable, or unconscionable. The problems created by this requirement should be evident. Obviously, the determination as to what is unfair or unreasonable is open to any number of interpretations. Whether a rule is unfair or unreasonable will always be open to dispute. Our own court system has a difficult time determining what might be unfair or unreasonable and this determination is many times not made without the full litigation of the issue. If HB 245 passes, any tenant who is evicted for a rule violation could claim that the eviction was improper because the rule was either unfair or unreasonable. In this

regard, HB 245 invites litigation which will raise the cost of operating the mobile home park and could lead to increased rental rates.

A second problem with HB 245 with regard to the termination for rules violations requires that the tenant must have notice of the rule for a period of at least 60 days. Under this language, a tenant who moves into the park (and necessarily receives notice of the rules) on January 1, of this year, could not be evicted for a rules violation until March 1. This is so even if the tenant began violating a rule the moment he or she occupied the property. I ask the committee to consider who would suffer most under these circumstances. Sixty days of free violation with no recourse. I submit that the other members of the park stand to have their lives disrupted significantly under this language of the bill.

Finally, to terminate for a rules violation, the owner must first determine that "the rule violation is likely to continue or recur." Mobile park owners may be many things, but they are not readers of the future. No one can tell whether a tenant will likely violate a rule in the future. This requirement alone makes it impossible for the owner to terminate for a rules violation. Again I ask the committee who suffers? The answer is that the other residents of the mobile home park suffer.

Subsection (b) on page 7, lines 5 through 9 allows all tenants to violate any park rule for a period of two weeks. Who suffers-- other residents.

Subsection (c) on page 7, line 12 allows all tenants to violate all rules up to three times each year. Who suffers-- other residents.

Section (4) on page 7, line 19 imposes on the landowner a six month waiting period before implementing any change in use. This

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requirement could very well thwart any plans of the landowner to use the land for a different purpose.

New Section 3 beginning on page 8, line 25 would allow a rules violator who has been evicted to keep his or her trailer in the park for up to four additional months. Once an individual has been evicted from a park, the owner of the park and the remaining residents should be done with the evicted tenant. It is unreasonable to believe that someone who has been evicted for a rules violation would maintain the rental space and pay rents on that space for a period of four months when faced with rent payments and maintenance responsibilities elsewhere. Further, the lien created by HB 245 in this situation would likely be a remedy on paper only. This is because prior liens could exist on the home and it is possible that four months rent plus four months maintenance expenses (all of which will be incurred by the park owner) could easily exceed the value of the home.

For these reasons, the Income Property Managers Association and the Montana Landlords Association URGE A DO NOT PASS ON HOUSE BILL 245.

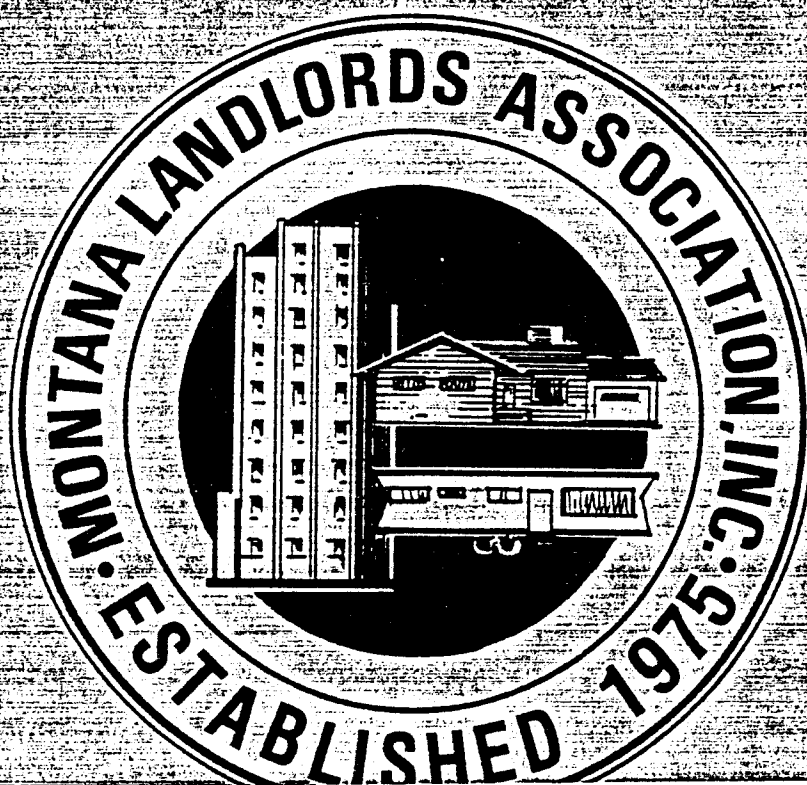
Thank you for your consideration.

Gregory Van Horssen

IPMA/MLA

8
DATE 8-1-73
FILE 5-4-6

MONTANA LANDLORD—TENANT LAW



This document is stored at the Historical Society at 225 North

Roberts Street, Helena, MT 59620-1201. The phone number is

EXHIBIT

9

DATE 2-5-93

HB 245

Billings, Montana
February 1, 1993

Mr. Steve Benedict, Chairman
House Business and Economic Development
Capitol Station
Helena, Montana 59620

SUBJECT: HB245 & HB321

Dear Mr. Benedict and Committee:

We the tenants in the Glentana Mobile Home Court and R.V. Park
do hereby oppose House Bill 245 and House Bill 321 for the following reasons:

- * Our lives and property are at risk, when the owners of an Mobile/RV park cannot exclude or evict unsavory tenants as quickly as possible.
- * 30 days is more than reasonable, to evict persons who are not paying their rent or acting in an irresponsible manner to the detriment of the court.
- * Lawsuits and other costs of doing business raises expenses and causes landlords to raise rents and interferes with our spendable income.
- * Rental agreements between landlord and tenant should be optional as to period of time and not force either party into a hardship by codifying length of time. Should a renter need to leave the court before the time was up...a penalty could be imposed under this house bill.
- * These bills may cause hardships and shortages of mobile courts where tentants need to reside. Present laws are more than adequate and we must keep the number of mobile courts from diminishing.

Name of Tenants at 3455 Old Hardin Road, Billings, Montana. 59101

1 Veronica Lambert	18 Penny Carlson
2 Rachelle Miller	19 Mary Staker
3 Don Staker	20 Katherine B. Daniel
4 Deanne DePugh	21 Ruth E. Beckman
5 Karen M. Little Light	22 Wm. A. Eldridge
6 David L. Johnson	23 Tom Johnson
7 Robert Kelley	24 Marilyn Kercher
8 Jack M. Kay	25 Michael Stet
9 Fred M. Kay	26 Eric M. Allen
10 Lela McKay	27 Ruben A. Roeder
11 Dick McKay	28 Robert S. Emerson
12 Valeria Houlton	29 V. Rice
13 Berni Norton	30 Lila Masters
14 Lawrence Stenberg	31 Steve Weber
15 Mark Lund	32 David Lund
16 Cynthia L. Bott	33 Margaret Eldridge
17 Bob & Karen	34 David Lund

Billings, Montana
February 1, 1993

EXHIBIT 9
DATE 2/5/93
X HB 245

Mr. Steve Benedict, Chairman
House Business and Economic Development
Capitol Station
Helena, Montana 59620

SUBJECT: HB245 & HB321

Dear Mr. Benedict and Committee:

We the tenants in the Glentana Mobile Home Court and R.V. Park
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- * Rental agreements between landlord and tenant should be optional as to period of time and not force either party into a hardship by codifying length of time. Should a renter need to leave the court before the time was up...a penalty could be imposed under this house bill.
- * These bills may cause hardships and shortages of mobile courts where tentants need to reside. Present laws are more than adequate and we must keep the number of mobile courts from diminishing.

Name of Tenants at 2455 Old Hardin Road, Billings, Montana. 59101

1 <u>David Lunsford</u>	18 <u>Joseph A. Harn</u>
2 <u>Robert Dunsford</u>	19 <u>Stamper</u>
3 <u>Myron L. Brien</u>	20 <u>Cathy L. Mayer</u>
4 <u>Charles Brien</u>	21 <u>James Cassin</u>
5 <u>Alex Stais</u>	22 <u>Juanita Ma Harry</u>
6 <u>James H. Weis</u>	23 <u>Dave Morris</u>
7 <u>Dele E. DePauw</u>	24 <u>Charlotte McWilliam</u>
8 <u>Esmerne Jorenson</u>	25 <u>J. L. J.</u>
9 <u>Jack Ruff</u>	26 <u>Stacy Wymore</u>
10 <u>Mark Hope</u>	27 <u>William Adams</u>
11 <u>Cindy Lockyer</u>	28 <u>Ben Krell</u>
12 <u>Paul Brothers</u>	29 <u>Cindy Thirick</u>
13 <u>Sharon Brothers</u>	30 <u>Arthur Haulen</u>
14 <u>Fay D. Baldock</u>	31 <u>Carneri Ruiz</u>
15 <u>Jim Hayer</u>	32 <u>Nick Hawthorn</u>
16 <u>James A. Rakes</u>	33 <u>Walter H. H. H.</u>
17 <u>Ch. Shontz</u>	34 <u>Ernest H. H.</u>

EXHIBIT

10

DATE

2-5-93

HB

245

My name is Judi Reynolds, I am representing Mobile City Home Park located at 1805 Joslyn in Helena.

I came before this committee four years ago, nervous, fearful and terrified. I come before you now, still nervous, fearful and even more terrified. Terrified that the AMERICAN DREAM is fast becoming the AMERICAN NIGHTMARE!

It is necessary to be here today to make an effort to protect the many fine residents of our mobile home park and ourselves. To protect all of us from legislation that if passed, will ADVERSELY effect mobile home park owners and tenants, in one way or another.

I have no idea where the group known as the MONTANA PEOPLES ACTION obtained their information, information they call facts! I do know however, that no one from their group or any similar group spoke with either my husband or myself. To my knowledge, no one in our mobile home park was contacted by this group.

Reading through the PROPAGANDA, entitled MOBILE HOME FACTS, it is clear that the information is riddled with inaccuracies and much of the information is simply NOT TRUE!! For instance, "MOBILE HOMES ARE NOT MOBILE." I have seen many mobile homes prepared for moving and moved in less than 12 hours. If the home is moved by a genuine, bonded mobile home mover, I have yet to see any damage done to the mobile home. I have seen mobile home park property damaged by some fly-by-nite mover, hired by our tenants, in a hurry to skip out without paying the back lot rent. Mobile homes come equipped with, tires, axels and wheels, YES MOBILE HOMES ARE MOBILE!

I am sick of hearing about the rights of the less fortunate, perhaps LESS WILLING! Those that do not wish to contribute to society. The rights of those that are able but refuse to work, those that refuse to invest in their own future and that of their families. I am not speaking of those that cannot work due to an honest to goodness disability.

Whether we like it or not, there are members of society that ARE dis-honest, lazy etc. People such as these have no qualms about not honoring a contract signed voluntarily, agreeing to abide by the rules set forth by the mobile home park owners. They have no qualms about not paying lot rent.

My husband and I are not power hungry dictators looking for reason to evict people from our park! Quite the contrary, eviction is a LAST RESORT! If we are forced to allow troublesome tenants to remain in the park for up to one year, no doubt, we will lose the lot rent for the entire time, and more importantly, it will put the safety and welfare of the other tenants in jeopardy. I am reminded of the crazed machete wielding maniac, threatening me and the tenants. As if the machete was not scary enough, he then brought out a 357 caliber pistol. Then there was the drunken male armed with his booze and his car doing about \$15,000.00 in damage to his neighbors home, car ports, cars and of course park property. The same man was often drunk, went to the homes of his female neighbors, pounding on their doors, sitting on their porches and refusing to leave. To say they were terrified, is putting it mildly. Stories such as these go on and on AND ON!

" IT'S A LANDLORDS MARKET." At present we have two empty spaces.

Three years ago, we had twenty six empty spaces and NO TAKERS!!

My husband and I have spent the last three years buying fixer uppers just to fill the spaces. Had we not done so, I can honestly tell you I believe we would still have at least twenty empties. In the last month, I have had two inquiries about mobile home spaces.

My husband and I never have and never will use the so called "LANDLORDS MARKET" to un-fairly or un-necessarily raise the rent. We raised the rent in 1991 from \$95.00 to a whopping \$105.00 a month, where it is today. We didn't raise the rent to take advantage of anyone, but because we had not raised the rent in six years and we found it necessary to do so.

We operate a clean, safe and beautiful 235 unit mobile home park. My husband built the mobile home park from the ground up. There is 29 years of blood sweat and tears in the making and managing of Mobile City Home Park. OF COURSE, it is necessary to have rules and regulations for the mobile home park, just as it is necessary in everyday life! Our rules are designed to benefit everyone! I am reminded time and time again, by our tenants that the reason they choose to live in our park is that we do have a fair and equitable set of rules and we do our very best to enforce them. We simply cannot risk the ruin of our park indeed, our livelihood by allowing the tenants to manage the park! Would you allow strangers to come in and manage your farm, ranch, law office, store or whatever it might be that you spent a lifetime building? PRETTY SCARY, HUH ?

EXHIBIT 10
2/5/93
HB 245

Nor are we money mongers, preying on the poor. I am extremely lenient to anyone having difficulty paying the rent. In fact to lenient at times.

The eviction process can be a long, costly affair to the mobile home park owners. Collecting delinquent rent through the court is a lot easier said than done!

I URGE YOU TO RECOMMEND A NO PASS ON HOUSE BILLS 245, 321 and 422.

Thank You.

Lee Reynolds
P. O. Box 972
Helena, Montana 59624

EXHIBIT 11
DATE 2-5-93
HB 245

Mr. chairman and members of the committee, for the record, my name is Lee Reynolds. I am the owner of Mobile City Home Park in Helena, Montana.

The legislation before you, does not help the tenant, nor does it help the landlord. It will be detrimental to both the tenant and the landlord as well as the judicial system.

Section II of house bill #245, denies the mobile home park owner having at arms length transactions with the tenant, our customer, and the whole tenure of section II implies that mobile home park owners are conducting their business in a way that adversely effects the best interest of our customers.

I want to go on record, stating that this is absolutely not correct.

If these bills are the result of a vendetta created by a certin set of circumstances, there is no justification for the passage of these bills, when the net result of these bills, if passed, would no doubt have an adverse impact upon mobile home parks and their tenants, state wide.

Referring to house bills #321 and \$422, I do not believe that mobile home park owners should be bound by the terms of the initial rental agreement as it relates to the subsequent new owners of the mobile home.

These bills are on the border line of taking title to our property.

Mobile home parks provide a service to the people of Montana that is created by necissity. Mobile home parks also contribute a substantial tax base to the state.

Mobile home park owners are subject to the rules already in place by the landlord-tenant act, as well as the federal mandated laws of the Environmental Protection Agency as administered by the State Department of Health and the city and county requirements. At present we are required to be licensed by the state and cities.

As mobile home park owners, we are aware of the needs of our tenants as a whole and strive to keep our parks clean and environmentally safe, as mandated by the laws already in place.



(page 2)

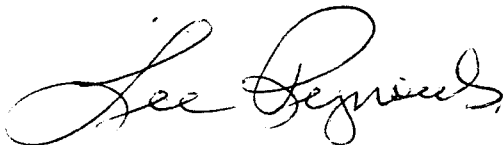
As mobile home park owners, we have an obligation to all of our tenants, to protect their peace and tranquility, to the best of our ability.

As strong supporters of human rights for everyone, we, as mobile home park owners will go the extra mile. WE CARE! Our support extends from the younger generation to the elderly, our utmost duty and strong sense of responsibility, is now, and always has been, to our tenants.

Our concern is only that mobile home park tenants, who do abide by the rules, rules developed with care and concern for the welfare of all, can continue to live in a clean, safe and comfortable environmentally safe mobile home park.

With the very best interest of the tenants, our frineds, the ones we care about, I recommend a " do not pass. "

Thank you,

A handwritten signature in cursive script, reading "Lee Reynolds". The signature is fluid and elegant, with a large initial 'L' and a long, sweeping underline.

Lee Reynolds



mobile home communities, inc.

EXHIBIT 12
DATE 2-5-93
HB 245

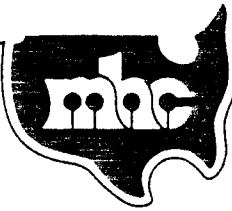
February 3, 1993

Dear Sir,

We are the "on-site" Managers of Casa Village, a 465 space Manufactured Home Community located here in Billings. We are writing this letter to ask you to consider both sides of the issue regarding the need for House Bill No. 245, and House Bill No. 321. We believe that this proposed legislation has been hastily written without a full understanding that this legislation unduly infringes on the rights of the property owner, and begins to lead us away from free market economic solutions.

We would like to address the premises upon which this legislation was drafted. We do not believe that Montana Residents face a housing crisis. In Billings, Mt., we have not yet attained full occupancy. We are getting close, but there are still choices available for new and existing Residents. As we speak, plans are being dusted off for the development of additional spaces. This is the free and fair market answer to a shortage of available sites. New and more restrictive legislation will not encourage development, only economic incentive can accomplish this. With new development, comes competition, which is the only real way to keep rent levels in check. Our whole industry would welcome more development and competition. If you desire to help the consumer, we feel your efforts would be better spent working with local municipalities to create more favorable zoning for Manufactured Home Communities.

The notion that Residents are held captive to unreasonable rent increases is just not true. In the ten years that the current ownership has owned Casa Village, the rent level has gone from \$150.00 to \$198.00. This is an average increase of less than five dollars per year; in percentage terms, less than 3% per year. Even though we have the highest rent level in the market area, we have been able to maintain a higher than average occupancy level. People have chosen to live in our community, and have been happy with their choice. Yes, we have lost a few existing and prospective Residents to other communities with a lower rent structure, but that is the free market system at work.



mobile home communities, inc.

EXHIBIT 12
DATE 2-5-93
HB 245

Manufactured homes can and do move from one location to another. It is absolutely not true that moving a home causes substantial damage to the home. We have had Residents move from other communities into Casa Village. We have also moved many homes ourselves with no damage or loss in value. Residents do have options.

We have had many persons who have chosen to live in our community because we have very protective covenants. In fact the biggest complaint we hear is that we do not enforce the rules strictly enough. We try to work closely with those Residents who are deficient in their adherence to the rules, however this is a time consuming process. If we get to the point where things are not improving, we will resort to the no cause eviction process. We use this privilege very judiciously. It is not a good business practice to get the reputation of being unfair or treating the Residents poorly. Ours is a referral business, so we rely heavily on the goodwill we have created within our community.

The proposed legislation will make it more difficult to run a good business. It will inhibit our ability to quickly rectify problems caused by one Resident to the rest of the community. It will also add significantly to everyone's legal costs and clog the court system because of the lack of clarity in the proposed laws.

We would like to invite you to visit our community to investigate for yourself the need for such legislation. In fact we would welcome the opportunity to work with you and a representative Resident group to address real and perceived problems. We have always had an open door policy with regard to our Residents needs and concerns.

Please consider the concerns of the Property Owner. Our rights are as important to a thriving community as those of the consumer.

Sincerely,

Loyd and Ruthe Upton
Managers, Casa Village
Mobile Home Park

Steve Benedict
February 1, 1993
Page Four

additional costs and these costs as in any other business can only come from the consumer, the tenant, by way of increased rent. The procedure is obviously going to be cumbersome and costly.

Finally, there are mobile home courts in Billings that also cater to RVS during the summer months where the RVS would park one night up to one week. Are they bound to execute a one year lease or month-to-month even though it is only for a short stay?

It obviously appears these bills should not be passed at this time in their present form.

Very truly yours,

Terry L. Seiffert
Attorney at Law

TLS:sh

cc: Sunny Hanson
Bruce Simon
Norm Mills

EXHIBIT 14
DATE 2-5-93
HB 245

VERN L. FISCHER
P.O. BOX 1357
GREAT FALLS, MT 59403
453-2918

BUSINESS COMMITTEE MEMBERS
CAPITOL STATION
HELENA MT. 59620

JANUARY 30, 1993

Dear COMMITTEE MEMBER:

PLEASE VOTE NO ON HB-245. This bill takes rights away from the property owner and severely restricts the landlords ability to provide proper protection for good tenants.

"CONVICTION OF TENANT OR PREPONDERANCE OF THE EVIDENCE" A landlord now has trouble getting Law enforcement officers to help with suspected drug dealings. If he doesn't have proof and says anything, he could be sued. If the D.E.A. makes a bust of a tenant, the landlord stands to lose the property to confiscation. A no win situation. Landlords need tenants or their business will fail, so they don't throw out tenants for just anything. But to demand a reason opens up a landlord to legal action, wasted time and money. Under current law (70-24-431) Tenants now have recourse to the courts if they feel they have been unjustly evicted. When a landlord can't get rid of a bad tenant, good tenants are hurt and they can and will move out.

A non paying tenant under this proposed bill could go without paying into four straight months before a landlord could proceed with an eviction following the current law which is made a part of this bill. At present time it can easily get to be 60 days just to receive a court ordered eviction, and this bill asks to have an additional 90 or 120, days, ridiculous!

Who decides? "UNFAIR, UNREASONABLE, OR UNCONSCIONABLE" Page 6 line 24 30 days notice is more than sufficient notice. (b) and (c) line 5 through 18 page 7 are contradicting and very unclear.

The landlord should give the tenant a 6 month notice of a change of use if the change would require the mobile home to be moved. But the land belongs to the landlord and should have no restrictions other than zoning, etc.

Selling a mobile home with in a park should be a part of the rental agreement. But a landlord should not put unrealistic demands on the seller or charge anything for selling the unit unless he acts on behalf of the seller.

If you look at the present landlord tenant act, most of the problems this bill addresses are adequately covered now. Good tenants and landlords will both be hurt by this bill. PLEASE VOTE NO ON HB-245. THANKS.

Respectfully yours,


VERN L. FISCHER

Tenants Play the 'Stalling Game'

EXHIBIT 12
DATE 2-5-93
HB 245

■ Courts are flooded with fraudulent filings that help occupants delay eviction or withhold rent. Apartment owners, losing millions, face foreclosure—and renters end up paying a price too.

By JOSH MEYER
TIMES STAFF WRITER

The pitch was tantalizing to someone facing eviction from an apartment: fork over \$150, have some legal paperwork filed and

stay put rent-free for at least three months.

That was the deal Stanley Simon and his Tenants Rights Group offered to renter Louis Roche last March as the two talked in Simon's Northridge office.

"It's called a stalling game," Simon confided to Roche. "Let's not kid each other; it's a recession, there's no money. . . . I have to play games and I'll keep you in there."

Roche paid up and the stalling game began.

But the tenant from Panorama City was not like thousands of other apartment dwellers who have done business with Simon's group in recent years. Roche was a private investigator. And he was wearing a wire.

In September, police arrested

Simon on suspicion of soliciting grand theft. He posted \$50,000 bail and was back in business the next day. On Dec. 15, Los Angeles City Atty. James K. Hahn charged him in a 44-count criminal complaint with grand theft, making false statements to tenants and illegally practicing law.

Simon insists he has done nothing wrong. But authorities said they finally have gotten the goods on one of about 200 ring-leaders of fraudulent "petition mills" in Los Angeles County, so named because of the number of legal filings they churn out on behalf of tenants who either want to stall their evictions or create phony allegations of poor living conditions so they can withhold rent.

Please see RENTERS, A26

Continued from A1

Three days later, after years of mostly unheeded complaints by landlords, the U.S. attorney's office announced the indictment of 17 people—including Simon and three other Tenants Rights Group employees—on federal bankruptcy fraud charges for allegedly running eight such mills. The federal prosecutions are among the first in a nation targeting the mills.

There are many legitimate groups that protect tenants from scrupulous landlords, slum conditions and unfair evictions. Those groups, such as the Legal Aid Foundation of Los Angeles, are run by lawyers who make sure that renters receive adequate representation in the Municipal Court process known as unlawful detainer, in which a landlord seeks the necessary court approval to evict a tenant.

In contrast, the mills, which have proliferated throughout Southern California, are run by lawyer opportunists who never contest evictions, but only seek to delay them, authorities say.

The petition mills target tenants when they are most desperate—behind in rent or faced with eviction—and charge them as much as \$100 during the eviction process, money they normally would pay the landlord. Some tenants sign up because they truly need help in paying or contesting an eviction, while others just want a free ride. In both cases, mills coach clients on ways to find insignificant problems, or create them, as an excuse to withhold rent and stay in the apartment while a judge adjudi-

Because evictions must be court-approved, mills delay cases by filing a flurry of legal motions, including requests for a change of venue and a demurrer in which a tenant claims not to have been properly notified of an eviction.

No matter how frivolous, all claims require a hearing before a judge, which can take weeks or months to schedule. Despite promises by mills to the contrary, the vast majority of tenants are ordered to pay the back rent and are evicted anyway. Most mills further delay the eviction by filing for bankruptcy on tenants' behalf without their knowledge, often forging their signatures and concocting bogus Social Security numbers. Bankruptcy automatically protects a tenant from eviction for several more months, but the tenant ultimately pays a price.

"In the end, the tenants end up on the street without a dime," said Legal Aid lawyer Roderick Field. "It is a tragic situation."

By encouraging tenants to stay in their apartments without paying rent, the mills have been victimizing landlords as well, delaying as many as 1,500 evictions a month in Los Angeles County during the past few years. California landlords say they lost \$270 million in 1991 in missed rent and legal fees.

Deputy City Atty. Ellen Pais said she suspects that mills are the number one source of apartment building foreclosures in the San Fernando Valley, and possibly in other areas.

"These people are teaching people to steal from others," said apartment building owner Karim Jaude. "And they are doing it in the name of protecting the tenants."

Jaude heads a group of small investors whose 18 Southern California apartment complexes that he says have been besieged by mills, including the one Roche claimed to live in. "Most of our investors are small-time people who put their life savings into this," Jaude said. "They could lose everything."

Five of those buildings are on the verge of foreclosure because of the Tenants Rights Group and other mills, Jaude said. In the building where Roche claimed to live, at 14800 Roscoe Blvd., 36 of 43 tenants refused to pay rent in the last year—some for 10 months or longer. Jaude said that most, if not all of them, had signed up with the ever-present mill representatives who still walk his hallways.

Since Simon's indictment, his storefront office in a Reseda Boulevard mini-mall has shut down, although authorities said his operation may have moved to another location. At 61, he faces a maximum of 35 years in prison and \$1.75 million in fines in the federal case. Yet he insists he is only helping tenants stick up for their rights.

"It's a legitimate business," Simon said one day before his indictment. "I have done nothing wrong."

The mills first emerged in Los Angeles a decade ago. The activity soared in 1989, and then began spreading into Orange, San Bernardino and other near counties. They also have sprouted in Atlanta; Orlando, Fla.; New York; N.J.; Cleveland and other major cities.

"Obviously, it is a societal problem," said Frank Szczebak, chief of the bankruptcy division for the federal court system, where many of the cases end up. "But now we don't know if it's anything like the magnitude it is in L.A."

Besides victimizing tenants and landlords, such legal maneuvering clogs up the overwhelmed municipal and federal court systems. As many as 25% of the 85,000 or more personal bankruptcy cases filed in Los Angeles County last year were the work of mills, said Marcy J. Tiffany, U.S. trustee for the bankruptcy court of the central district of California. Mills often file bankruptcies for each tenant occupying an apartment and improperly make repeated bankruptcy filings on behalf of a tenant.

Please see RENTERS, A26

RENTERS: Evading Eviction, Payments

Continued from A26

Simon's case, authorities allege that he also helped defraud landlords by telling tenants not to pay rent even when they had money and their living conditions were fine.

"No matter what, you're not going to" pay, Simon tells Roche in the tapes, which will be used as evidence in Simon's city trial. "You're going to live there free."

And Simon assures Roche not to worry about credit. "There's no credit," he says, "and there's nothing to be nervous about."

Not true, authorities say. Most tenants end up saddled with huge amounts of back rent due, legal fees and court costs to pay, and a credit rating so tarnished that they find it hard to get a credit card, car loan or decent apartment for 10 years.

People without the slightest knowledge of the eviction cases are also hurt. When a mill changes a few digits of a Social Security number to conceal a bankruptcy filing, the holder of the number ends up with major credit problems.

That happened three years ago to salesman John Burriel of Gardnerville, Nev., and prevented him from getting a car loan. A San Pedro man had used his Social Security number to file bankruptcy to stall his eviction. "I can't tell you how frustrating it is," Burriel said. "It is still plaguing me."

However, landlords apparently suffer the most. Virtually every time they try to evict tenants, landlords say, mills get the names from county courthouse rolls that list all unlawful detainer actions. Tenants and their neighbors are then inundated with letters, flyers, phone calls and visits. Even tenants who have not had troubles are solicited with the pitch that they too can legally withhold rent. Mills also take out newspaper and TV ads.

By law, tenants can withhold rent if living conditions are substandard, but they are encouraged to put the money in escrow during the unlawful detainer process until a judge makes a ruling.

One year ago in response to the mills, a state law went into effect barring private citizens from viewing the courthouse unlawful detainer rolls for 30 days.

Although that law has helped, landlords say the mills remain active. "Now they just wait a month," said Venice landlord Norman Galper. "It takes a lot longer than that to evict someone."

FBI agents nationwide are investigating another angle—illegal leaking of confidential tenant information.

"Across the country, we have seen situations where low-level clerks in bankruptcy court and the trustees' offices can be bribed for this insider information," said Thomas R. Parker, assistant special agent in charge of the FBI's Los Angeles office. "Los Angeles has not been immune to that."

The mills typically call themselves "typing," "eviction defense" or "renters' rights" services. One Inglewood firm boasts 24-hour emergency service, while another group guarantees seven months free occupancy, "no matter how far you are behind in your rent."

Tenants Rights Group flyers claim that "with years of experience and thousands of clients, we are the leaders. Don't be misled by impostors who make wild claims they can't support."

After those flyers began luring tenants from Jaude's buildings, he hired an attorney, who in turn hired Roche to "sting" Simon by posing as a tenant.

Most of Jaude's tenants who signed on with the petition mills were evicted, Jaude said. Others, such as Maria Elida Cisneros, remain.

Cisneros and her three children have lived in Apartment 39 for eight years. She said she only decided to complain about cockroaches—and withhold her \$833 monthly rent payments—last June, after a neighbor told her about a tenants rights group. Cisneros said she does not know the group's name, but pays a man \$140 in cash

each month when he knocks at the door. "Here in this building, a lot of people do this because the manager never listens," she said. "I was tired of saying, 'Please come fix.'"

Assistant manager Alfonso Hernandez listened outside Cisneros' apartment one recent night and shook his head in disbelief, saying she never requested repairs until after signing up with a petition mill. "It just takes one tenant," he said, "and then everybody talks about it and it spreads."

Jaude said he makes repairs promptly, but that mills teach tenants to look for problems, or cause them, and then to hide the mills' involvement. Jaude said his investors' group has lost \$1.3 million during the past two years in legal fees and missed rent.

Jaude recently posted warnings about Simon at his complexes: "Don't be misled by his promises. Do not follow his advice. Do not lose your money."

Judges routinely award landlords back rent and court costs. But most evicted tenants disappear without paying.

So Jaude now offers recalcitrant renters \$1,000 or more to leave. Meanwhile, he said, negotiations with his banks and mortgage lenders have fended off foreclosures.

Roger Gleckmann has not been so lucky. After many of his tenants went to "unscrupulous legal companies" and stopped paying rent last spring, the bank foreclosed on his 36-unit Hollywood complex. "How do you support a building when no one is paying rent?" Gleckmann fumed. "How do you even maintain it?"

TRW REDI Property Data, which tracks foreclosures, reports that at least 96 Los Angeles County apartment complexes went into foreclosure in 1992, up from 24 in 1991. Real estate experts say other factors are at work too, including the recession that is taking its toll on tenants, boosting apartment vacancies.

But mills have been a major factor in dozens of foreclosures, especially among those landlords barely breaking even, said Katherine

Bergh, an apartment broker for the Grubb & Ellis commercial real estate firm.

Last summer, all four of James Myers' tenants in Panorama City stopped paying rent, and he blamed Tenants Rights Inc. All the tenants were evicted in November, but not before trashing the units. Myers said.

"It really has been a nightmare," he said. "If this was the only rental property I owned in addition to my home, I would have lost the both."

Police search warrants allege that Tenants Rights Inc. charged renters \$140 a month, refused to work with Myers so he could correct problems and then conspired to defraud him out of more than \$7,800 in rent. Alleged ringleaders Franco and Rhina Eritter fled just days before police searched the group's Sepulveda headquarters, Los Angeles Police Detective John Stieglitz said. "It wouldn't surprise me," he added, "if they've reopened under another name."

The mills are easy to start and easy to move, authorities say. A phone, a desk, some legal knowledge and access to a copying machine is all that is needed.

Little has been done until recently to curtail mill activity.

A special fraud task force at the trustee's office has been probing the mills for years. But until December, the U.S. attorney's office in Los Angeles had prosecuted only one mill operator, who was convicted last May, and refused to comment on the problem before the recent indictments despite several requests by The Times.

Some apartment owners and legal activists complain that authorities could have been more aggressive in targeting the mills.

"It's a little late," legal advocate Field said.

Others say no amount of prosecutions will curb the mills. "It's lucrative," said bankruptcy trustee Tiffany. "I don't care how many federal prosecutions you have, you're spitting into the wind."

EX-15
2-5-93
KB 245

The Petition Mill Process



SCOTT HARRISON / For The Times

the exterior of the Tenants Rights Group office in Northridge.

Here are the steps a landlord must follow to have a tenant evicted, and some of the tactics that a petition mill can use to delay eviction for a year:

NOTICE: The landlord gives a tenant a three-day notice to pay the rent or leave. The landlord files an unlawful detainer lawsuit in Municipal Court, which serves formal notice that the tenant is being evicted for non-payment of rent or other reasons.

RESPONSE: The tenant must file an answer to the complaint within five days, after which landlord can request a trial, usually held at least 20 days later. Petition mills file a series of legal motions on behalf of the tenant as a delaying tactic. They contend that the landlord did not properly notify the tenant, that the suit should be heard in a different courthouse and make other requests, which authorities say are often frivolous and rarely granted but which require a hearing to be scheduled before a judge.

COURT RULING: Once the judge rules that a tenant can be evicted, marshals are notified that they may post a notice on the tenant's door giving the renter five days to vacate.

MORE DELAYING TACTICS: Before the marshal arrives, the mill often claims an "Arrieta defense," in which the tenant contends that the landlord failed to identify all residents in the apartment subject to eviction. Frequently, tenants say that a friend or neighbor has been living in the unit. Although steps were taken last year to prevent Arrieta defenses, mills continue to use the delaying tactic.

BANKRUPTCY FILING: Once all delaying tactics are exhausted in Municipal Court and a lockout date has been set, mills frequently file for federal bankruptcy under the tenant's name, often without telling the tenant. That grants the tenant automatic immunity from eviction until the bankruptcy case either is dismissed or the landlord receives a bankruptcy judge's permission to evict the renter. Nearly all landlords are granted such permission, but the courts are so clogged that it can take weeks or months just to get a hearing.

FINAL ACTION: Once a tenant's bankruptcy is exhausted and the landlord once again gets permission for eviction, the mill will put another of the tenants in bankruptcy. Often, mills put each tenant through the bankruptcy process several times, falsely stating on their petition that they have never declared bankruptcy before.

RESULT: Landlords pay thousands in court costs for each tenant ultimately evicted. And although the mills often promise that the tenant will never have to pay the rent and that their credit rating will never suffer, the tenant ends up evicted, owing back rent and court costs, and with a credit rating marred by a bankruptcy filing, which can take 10 years to erase. Because the bankruptcies are filed merely as a delaying tactic, the mills do not provide the required information and tell tenants not to appear at court hearings so the case is eventually dismissed. Nevertheless, the bankruptcy shows up on any cursory credit check.

MORE INFORMATION: Anyone with concerns about petition mills can call the Los Angeles city attorney's office, Consumer Protection Section, at (213) 485-4515, the U.S. attorney's office at (213) 894-0703, U.S. Trustee's Office at (213) 894-6811 in Los Angeles and (714) 836-2691 in Orange County, the Legal Aid Foundation of Los Angeles' Eviction Defense Center at (213) 387-9011, the San Fernando Valley Neighborhood Legal Services at (818) 896-5211 and the Orange County Legal Aid Society at (714) 835-8806.

15
2/5/93
H2 245

EXHIBIT 16
DATE 2-5-93
HB 245

MR. CHAIRMAN & MEMBERS OF THE COMMITTEE

I AM LESLIE Mc BIRNIE OF WEST YELLOWSTONE, I CURRENTLY RESIDE AT THE OVERLAND WEST MOBILE HOME COURT IN WEST. I HAVE LIVED HERE 12 YEARS & OWN MY HOME. I WISH TO ADDRESS YOU ON THE CHANGE OF USE PORTION OF THE GOOD CAUSE BILL H.B. 245 NOW BEFORE YOU.

PRESENTLY THERE ARE 170 MOBILE HOMES WITH 450 + PEOPLE LIVING IN THEM, THIS IS ONE HALF OF THE TOWN POPULATION. WHEN MY COURT CHANGED OWNERS, OCT. 91 MYSELF & OTHER RESIDENTS WERE TOLD THAT THE NEW OWNERS WOULD BE BUILDING A MOTEL WHERE WE NOW CALL HOME. THERE ARE NO SPACES TO MOVE ANY HOME TOO, LET ALONE 9. AS CHANGE HAS BEEN TALKED ABOUT IN OTHER COURTS, & SEVERAL LAND OWNERS ARE ELDERLY, WE HAVE FORMED A CITY WIDE MOBILE HOME OWNERS ASSOCIATION IN ORDER TO WORK WITH CITY IN SOLVING OUR PROBLEMS. BUT THERE IS LITTLE ASSURANCE, THE DEVELOPING LAND OWNER WILL GIVE US THE TIME TO FIND AN ANSWER.

WHEN QUESTIONED BY VARIOUS TENNANTS ON THEIR PLANS, THE LANDOWNERS ANSWERS ARE VAGUE & EVASIVE AT BEST, EVEN DIFFERENT, DEPENDING ON WHO YOU ARE. THIS LEAVES LITTLE DOUBT IN MY MIND THAT WE WILL RECEIVE ANY MORE THAN THE REQUIRED 30 DAY NOTICE. WHEN I TRIED TO EXPLAIN MY ACTIVITIES ABOUT THE HOME OWNERS ASS. & THE FACT THAT THERE ARE NO PLACES TO MOVE TO, THEIR RESPONSE WAS " ITS NOT OUR PROBLEM" THIS AFFECTS 9 FAMILY'S, 25 PEOPLE, 2 BUSINESS OWNERS, & 13 OTHER BUSINESS'S THE TENNANTS WORK FOR, WE DO NOT ASK OR SEEK TO BLOCK DEVELOPMENT BUT TO BE GIVEN STRAIGHT ANSWERS AND A RESONABLE TIME FRAME TO WORK IN. IF THEY, THE LANDOWNERS WILL NOT WORK WITH US, UNDER PRESENT LAW THE TOWN & THE STATE WILL LOSE AT LEAST 5 FAMILY'S.

ISLAND PARK IDAHO IS THE NEAREST LOCATION, & THAT INVOLVES LAND PURCHASES, IDAHO FALLS IS THE NEAREST RENTAL MARKET. THAT MEANS THESE WORKERS ARE GONE FOREVER, THEY CAN'T BE REPLACED AS THEY TOOK THEIR HOUSES WITH THEM

I THANK YOU FOR YOUR TIME & INTEREST

EXHIBIT 17
DATE 3-5-93
HB 245

January 26, 1993

Committee member
~~Dear Landlord or Tenant,~~

The Western Montana Landlords Association has reviewed the proposed House Bill 245, "An Act Establishing Five Exclusive Grounds for Landlords' Termination of Rental Agreements with Tenants Who Own Mobile homes and Rent Space in Mobile Home Parks;" the Association has determined that such rules and regulations as are proposed will restrict the ability of Landlords to deal with "problem" tenants, that such restriction will be to the detriment of all other tenants as well as the Landlords, and that adding more rules and regulations to a relationship which is already burdened by statute with many requirements will ultimately have adverse effects to the community as a whole, especially because, overall, the proposed regulations will add another element of cost to the already overburdened Landlord-Tenant relationship, which will in turn, add another element of pressure to the upward spiral of rental costs.

One of the most significant impacts of the proposed takes away from Landlords the ability to provide for the safety of all tenants when the behavior of one tenant appears suggestive of criminal behavior on the part of the tenant. The proposed rule allows evictions for criminal behavior only if there is a conviction. Whereas Landlords may now respond by an eviction to the complaints of a tenant community about specific tenants who have high levels of visitor traffic at unusual hours, tenants who may display unusual predilections toward children, and other behavior which is suggestive of criminal behavior, under the new law an eviction must specifically identify the grounds for eviction, which prevents the Landlords from effectively responding to the safety concerns of a community unless there is an actual arrest and conviction (which can take as long two years).

The law appears to require, under such circumstances, the Landlord or neighboring tenants to make formal complaints to law enforcement authorities. Potentially, this subjects tenants who make such complaints to actions for slander by tenants engaged in suspicious behavior. For the tenant being evicted, rather than merely receiving an eviction notice, he or she is also being subjected -- as a requirement of the proposed law -- to police investigation and possible criminal charges in order to provide the basis for eviction.

The new rules considerably restrict the ability of landlords to manage their properties to their best use and effect. As each successive regulation restricts the ability of Landlords to manage their premises, fewer and fewer persons have chosen and will choose to enter this area of economic activity. As a result, over time, fewer mobile home spaces will be available, restricting the market, and making the remaining spaces that much more valuable, and hence, supporting a higher level of rents in the market. For instance, the new law makes it impossible for a Mobile Home Park owner to simply go out of the business. Although a provision exists which allows for "change in use", no provision exists for terminating tenancies if the Landlord has chosen to go out of business or change ownership interests. How many persons, if invited to enter a business from which they cannot escape, will choose to do so? The number of

landlords choosing to develop mobile home parks can only diminish as a result.

As older parks reach the end of the service life of their supporting facilities -- roads, sewer, electrical -- there will exist virtually no market for these businesses because they cannot be shut down and efficiently rebuilt to modern standards. Indeed, Landlords will be required under such circumstances to seek a "change in use" under the proposed regulations as the only way to implement any major changes which requires evictions. In other words, the proposed modifications will require such mobile home facilities to be shut down and their use converted to something else, rather than temporarily closed for rebuilding.

Many landlords have left the business since the passage of the original Landlord-Tenant Act in 1977, and this is in part responsible for the restricted number of rental units available in some parts of Montana. It is simply too much of a headache for many -- especially the more elderly landlords -- to comply with the intricacies of the current statutes, and too expensive to continually consult with legal counsel on daily matters. The proposed statutory modifications only add to the complexity and confusion of the current laws.

Tenants as well as Landlords are being overwhelmed by the complexity of the current statutory scheme, and this has been reflected by an explosion of landlord-tenant cases in Montana Justice Courts, with some courts reporting as much as 50% of their civil case load being Landlord-Tenant disputes under the Montana-Landlord Tenant Act. The proposed statute modifications prohibit evictions for violations of mobile home park rules if such rules are "unfair, unreasonable, or unconscionable." Such language is so ambiguous as to surely promote even more litigation, more pressure on the justice court system, and more expense to Landlords and Tenants alike, and more upward pressure on the costs of rentals.

Under the proposed statute, a tenant may be late up to 40% of the time, before a rental agreement may be terminated, and a written notice must be generated for each late payment, if the Landlord is to ultimately choose to evict because of continually late payments. For the Landlord who now overlooks a few late payments, that Landlord must protect his or her interests by specifically generating the notices, and further, this will modify many rental agreements to provide for the costs of issuing such notices, which will in turn increase the costs of rentals to Tenants who must pay such costs of such notices.

Under the proposed statutes, no "rule or regulation" of the mobile home park is effective on any tenant until 60 days after the beginning of their tenancy. It is doubtful that the drafters intended this to be true, but it is symbolic of the poor drafting of the proposal that this, as well as many other unintended effects, will result from this legislation. Further, an eviction may proceed for the violation of a rule or regulation only if "the rule violation is likely to continue or recur..." Landlords would be required to foresee the future under this proposed addition to the Montana Landlord-Tenant Act; in other words, eviction for violation of a rule or regulation of the mobile home court is effectively impossible under the proposed statute.

Another proposed addition to the Montana Landlord Tenant act proposes that mobile home owners, renting space and evicted because of non-payment of rent, may leave their mobile home on the lot for up to 120 days for the purposes of selling the mobile home, but that the

mobile home may not be lived in during that time. The statute appears to impose upon the mobile home court owner responsibility for the security of the mobile home during this period of no occupancy. An unoccupied mobile home is surely an attractive nuisance, and subject to vandalism, robbery, or other damage. The law makes no effort to protect the Landlord under these circumstances.

Besides several minor contradictions and confusion within the proposed statutes, as well as some poor drafting language which will have unintended consequences, it is clear that, overall, the ability of the tenant community to protect itself will be compromised by the landlord's inability to respond to articulated concerns of the community. It will increase the amount of paperwork directed toward tenants, and increase the costs of complying with such paperwork to both tenants and landlords. Overall, the proposed statutes decrease the advisability of persons to construct and operate mobile home parks, which will surely aggravate mobile home park space shortages over the long run.

We note further that the rationales for the proposed statutes, contained in the preamble to HB 245, are entirely unproven and unsupported allegations, and indeed may be entirely wrong.

Accordingly, the Western Montana Landlords Association has chosen to oppose HB 245 entirely, as it will not solve any problems which currently exist, and in fact appears to exacerbate all of the current landlord-tenant problems in Montana which already include increased litigation and litigation costs, additional paperwork for both sides, increased use of penalties and late fees, and overall, increased rents as a result. Please support us in these efforts.

Sincerely,

Ken Chilcote, President
Western Montana
Landlords Assoc.

EXHIBIT 17
DATE 2/5/93
HB 245

PETITION IN OPPOSITION TO HOUSE BILL 245 "EXCLUSIVE GROUNDS FOR EVICTION"

WHEREFORE, the Western Montana Landlords Association has reviewed the proposed House Bill 245, "An Act Establishing Five Exclusive Grounds for Landlords' Termination of Rental Agreements with Tenants Who Own Mobile homes and Rent Space in Mobile Home Parks;" the Association has determined that such rules and regulations as are proposed will restrict the ability of Landlords to deal with "problem" tenants, that such restriction will be to the detriment of all other tenants as well as the Landlords, and that adding more rules and regulations to a relationship which is already burdened by statute with many requirements will ultimately have adverse effects to the community as a whole.

That such effects include the inability of Landlords to provide for the safety of all tenants when their appears to be behavior suggestive of criminal behavior on the part of a tenant. The proposed rule allows evictions for criminal behavior only if there is a conviction. Whereas Landlords may now respond by an eviction to the concerns of a tenant community about specific tenants who have high levels of visitor traffic at unusual hours, tenants who may display unusual predilections toward children, and other behavior which is suggestive of criminal behavior, under the new law an eviction must specifically identify the grounds for eviction, which prevents the Landlords from effectively responding to the safety concerns of a community unless there is an actual arrest and conviction (which can take as long two years). The law appears to require, under such circumstances, the Landlord or neighboring tenants to make formal complaints to law enforcement authorities. For the tenant being evicted, rather than merely receiving an eviction notice, he or she is also being subjected -- as a requirement of the proposed law - - to police investigation and possible criminal charges in order to provide the basis for eviction.

In some Montana Justice Courts, Landlord-Tenant cases are approaching 50% of all civil justice court cases. It appears that imposition of even more rules than currently exist will exacerbate the litigation costs involved in rental situations
cost of operating costs for many landlords.

This document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

Amendments to House Bill No. 321
First Reading Copy

Requested by Representative Dowell
For the Committee on Business and Economic Development

Prepared by Paul Verdon
February 2, 1993

1. Title, line 7.
Following: "ARBITRATION"
Insert: "AND MEDIATION"
2. Title, line 8.
Following: "AGREEMENTS;"
Insert: "AND"
3. Title, line 9.
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
4. Page 4, line 5.
Following: "longer"
Insert: "or shorter"
5. Page 4, line 25.
Strike: "At"
Insert: "Unless the mobile home owner or tenant and the mobile
home park operator agree to a longer or shorter period, at"
6. Page 5, line 7.
Strike: "If"
Insert: "Unless the mobile home owner or tenant and the mobile
home park operator agree to a longer or shorter period, if"
7. Page 5, line 13.
Page 6, line 3.
Page 7, line 6.
Following: "arbitration"
Insert: "or mediation"
8. Page 5, line 16.
Following: "period"
Insert: "or other period agreed upon as provided in subsection
(5)(a) or (5)(b)"
9. Page 5, line 16.
Page 5, line 21.
Page 6, line 6.
Page 6, line 7.
Page 6, line 11.
Page 6, line 15.
Page 6, line 20.
Page 6, line 22.
Page 7, line 1.
Following: "arbitrator"

Insert: "or mediator"

10. Page 5, line 17.

Following: "year"

Insert: "or other period agreed upon as provided in subsection
(5)(a) or (5)(b)"

11. Page 5, line 18.

Following: "on"

Insert: "but not limited to"

12. Page 5, line 22.

Following: "period"

Insert: "or other period agreed upon as provided in subsection
(5)(a) or (5)(b)"

13. Page 6, line 22.

Following: "arbitrator's"

Insert: "or mediator's"

14. Page 7, lines 14 and 15.

Strike: section 4 in its entirety.

EXHIBIT 20
DATE 2-5-93
HE 321

TESTIMONY ON HOUSE BILL 321
BEFORE THE HOUSE BUSINESS COMMITTEE
FEBRUARY 5, 1993
ROOM 312-2

My name is Greg Van Horssen. I represent the Income Property Managers Association and the Montana Landlords Association. The IPMA and the MLA rise in opposition to House Bill 321. The bill is basically a guaranteed housing bill which, for all intents and purposes fixes both the length of a rental contract and the rental rates that can be charged by the mobile home park owner. In effect, the bill takes away a property owner's right to manage his or her business in a way that the owner deems necessary.

The bill creates a statutory guarantee of a one year rental agreement. It requires all owners to offer a one year agreement but allows the tenant to choose a shorter period. The IPMA/MLA submit that this grant of authority allowing the tenant to dictate the terms of the tenancy is inherently unfair. The length of a tenancy should at very least be negotiable, but common sense dictates that the park owner, as the owner of the property, should have the final say as to the length of the agreement.

The mandatory one year tenancy contemplated by HB 321 is unworkable in another way. Common sense dictates that the starting dates of the one year tenancy guarantees will be staggered. Thus, if the property owner, the owner of the mobile home park, chooses to exercise his or her right to change the use of that property, the owner will be facing varying but significant degrees of liability for breach of contract. Under the current law, a property owner could fashion tenancy agreements to accommodate a predicted change in use. However, with the one year guarantees found in HB 321, it will be impossible for an owner

to get out of the business without suffering significant liability for breach of contract.

Subsection (2) at page 4, line 9 allows the tenant, and only the tenant, to cancel the contract within seven days without incurring any liability for breach of contract. With this provision, the property owner will be required to absorb any losses incurred due to losses of rent.

But even if the tenant does not cancel within the first seven days, HB 321 will serve to limit to amount of damages recoverable by the property owner. Subsection (3) at page 4, line 13 provides that if the tenant terminates the agreement on the eighth day, the most that the property owner can recover is two months rent. This would be true even if it took the property owner eight months to rent the property using his best efforts. Additionally, Subsection (3), if passed, would not allow the property owner to recover additional costs and fees that may have been a part of the original rental agreement. All of this, of course, would violate a very basic principle of contract law which provides that a non-breaching party to a contract is entitled to all damages which are incurred as a result of that breach.

The provisions of HB 321 relating to the changing or renewal of the rental agreement are also unworkable. Subsection (5) beginning on page 4, line 25 provides that the property owner must give the tenant at least two months notice of any proposed change to the rental agreement. If the tenant disagrees with any change in the new agreement, the property owners only remedy is to enter into binding arbitration which could take months and certainly will require both parties to expend

large amounts of time and money. What happens in the meantime? Do the parties operate under the terms of the new or old agreement?

Another serious concern regarding the arbitration requirement is what this requirement will do to the cost of operating the mobile home park. It is conceivable that the owner of a 100 unit park could be forced into 100 binding arbitrations on an annual basis. These arbitrations could take anywhere from a few weeks to a few months. My last check on arbitration fees indicates that they begin somewhere around 75 dollars an hour. This type of expense, created by HB 321 would have to be considered by the park operator in setting rental rates and would ultimately lead to increased rates.

The IPMA and MLA believe that House Bill 321 removes from the property owner the right to make critical decisions regarding the operation of the mobile home park business. The bill also creates the potential for significant and unnecessary expenditures by requiring binding arbitration in certain circumstances. For these reasons, IPMA/MLA URGE A DO NOT PASS ON HOUSE BILL 321.

Thank you.

Gregory Van Horssen

IPMA/MLA

EXHIBIT 20
DATE 2/5/93
HB 245

VERN L. FISCHER
P.O. BOX 1357
GREAT FALLS, MT 59403
453-2918

EXHIBIT 21
DATE 2-5-93
HB 321

BUSINESS COMMITTEE MEMBERS
CAPITOL STATION
HELENA MT, 59620

JANUARY 30, 1993

DEAR COMMITTEE MEMBER:

PLEASE VOTE NO ON HB-321. Its totally bad.

In this day of equal rights and fairness, how can it be the Landlord has to commit to a minimum one year rental agreement, but only the tenant can choose a month to month tenancy?

"TENANT CAN CANCEL WITHIN 7 DAYS" A deal should be a deal once signed. Who is going to pay the added costs and rent losses? What about other tenants who lost out on getting the lot. This doesn't make any sense.

"EARLY TERMINATION" Penalty should be the same for tenant and landlord alike, not only for this bill but in all aspects of landlord tenant law.

Fair housing and common sense dictates rents could never be raised under these conditions. Not everyone's contracts would come due at the same time. You can not raise rent one lot at a time.

Why should a tenant have more rights than a property owner? A mobile home owner has a choice, he can choose to live in a park and pay rent or he can choose another park or buy his own lot. Having a mobile home allows them to pick up and move anytime in approximately four hours. A property owner doesn't have this option.

"BINDING ARBITRATION" I cant find any arbitrator in Great Falls, The closest to this is a mediator and this is a new concept just starting in this area on an experimental bases.

Lets get some common sense back in the laws we create. This bill should be filed in the capitol incinerator. Please VOTE NO on HB-321. THANKS!

RESPECTFULLY YOURS,



VERN L. FISCHER

Amendments to House Bill No. 422
First Reading Copy

Requested by Representative Kadas
For the Committee on Business and Economic Development

Prepared by Paul Verdon
February 3, 1993

1. Title, line 6.
Following: "ARBITRATION"
Insert: "OR MEDIATION"
2. Title, line 7.
Strike: "ATTORNEY GENERAL"
Insert: "DEPARTMENT OF COMMERCE"
3. Page 4, line 9.
Following: "arbitration"
Insert: "and mediation"
4. Page 4, lines 13 and 14.
Strike: ", unfair, or unconsonable"
5. Page 5, line 6.
Page 5, line 18.
Following: "arbitration"
Insert: "or mediation"
6. Page 5, line 8.
Strike: "unfair, or unconscionable,"
7. Page 5, line 7.
Page 5, line 11.
Page 5, line 12.
Page 5, line 13.
Page 5, line 17.
Page 5, line 23.
Page 5, line 25.
Page 6, line 4.
Following: "arbitrator"
Insert: "or mediator"
8. Page 5, line 25.
Page 6, line 3.
Following: "arbitrator's"
Insert: "or mediator's"
9. Page 6, line 6.
Page 6, line 7.
Strike: "attorney general"
Insert: "department of commerce"
10. Page 6, line 8.
Strike: ", fairness, and conscionability"

11. Page 6, line 10.

Strike: "attorney general's"

Insert: "department of commerce's"

23
DATE 2/5/93
HB 321

PETITION IN OPPOSITION TO HOUSE BILL 321

A bill for "An act establishing minimum terms for rental agreements in mobile home parks; providing procedures for terminating rental agreements and changing terms in agreements; providing for arbitration of disputes concerning rental agreements."

This bill is a one sided bill that locks a landlord into an agreement for a year or longer if the tenant chooses but will allow the tenant out of the contract, at any time with a seven (7) days notice to the landlord.

We are opposed to House Bill 321 because it takes all control from the landlord. It will be a detriment to all tenants as the landlord has no way of getting rid of problem tenants and it will definitely devalue, not only the court but the private owned trailers in the court.

A bad tenant is assured of a place to park his trailer, bring in all their friends, their kids, cars and whatever other belongs to these friends may have and will have nothing to worry about, they have a binding contract on the part of the landlord. This will cause parking problems, unsafe yards, and whatever other problems they want to and they have no worry, but their neighbor sure does.

A good tenant doesn't need a lease, as a landlord is not going to evict him anyway. It takes time and costs money to evict a tenant. Not only that, why evict a good tenant when the replacement tenant could be a bad one that he is stuck with.

TERRI M FAIRBANK
Signature

TERRI M FAIRBANK 430 Railroad, Alberton MT 406-732-4514
Name (Print) Address Phone No. Renter Landlord/homeowner
James Claxton
Signature

James W Claxton 425 Rail Road / Alberton 406-732-4514
Name Address Phone No. Renter / Landlord/homeowner

Randy Harnden
Signature
Randy Harnden 7100 Zambie DR #8 406-258-5278
Name (Print) Address Phone No. Renter / land- lord/homeowner

Heidi A Weiss
Signature

Heidi A Weiss Box 1162 / 314 Railroad Alberton MT 722-4914
Name (Print) Address Phone # Renter / landlord homeowner

Sharon Surry
Signature
Sharon Surry 386 Hamilton Hts Connelly's Mt. 961-4613
Name (Print) Address Phone # Renter / landlord homeowner

Francine Lerback
Signature
Francine Lerback 355 Montana Ave #10 543-2855 Rental
NAME (Print) Address Phone # Renter / landlord

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Hugh W Smith BUDGET _____

ADDRESS 7365 Beryl DR - MISSOULA, MT

WHOM DO YOU REPRESENT? MY SELF

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: HB 425 422 321

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Ruby Fairbank BUDGET _____

ADDRESS Box 436, Alberton, MT

WHOM DO YOU REPRESENT? _____

SUPPORT _____ OPPOSE ☒ AMEND _____

COMMENTS: Oppose Bill 245 + 231

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME KEN Chilcote BUDGET _____

ADDRESS 4020 North Ave, Missoula

WHOM DO YOU REPRESENT? Western Mont. Landlords Ass.

SUPPORT _____ OPPOSE ✓ AMEND _____

COMMENTS: oppose HB 245 & HB 321

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Geoffrey Bayliss BUDGET _____

ADDRESS 2324 42nd ST Missoula

WHOM DO YOU REPRESENT? SELF

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: oppose "30 day notice" legislation
Montana 4/6/88

11

WITNESS STATEMENT

NAME Bruno Fria BUDGET _____

WHOM DO YOU REPRESENT? TENANT & LAND LORDS

COMMENTS: HB - 285, 321, 422

SUBMITTED TO COMMITTEE

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Ernest W. Johnson BUDGET _____

ADDRESS 4750 Sunny side Ct

WHOM DO YOU REPRESENT? Self

SUPPORT _____ OPPOSE ☒ AMEND _____

COMMENTS: #245 -#321

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Business & Ec. COMMITTEE BILL NO. SB 245
DATE Feb. 5, 1993 SPONSOR(S) M. Kadar

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Elaine Chilcote MSLA 4020 N. Ave			✓
Ken Chilcote 19100 Hwy. 93 N, Missoula			✓
Sue + Ernie Otaupalik			✓
Dan Egeland P.O. Box 303 Frenchtown, MT 59834			✓
Ernest W. Johnson 4750 Sunnyside Ct Missoula 59802			✓
Hugh W. Smith MSLA 7365 Beryl 54801	My Self		✓
Ruby Fardine Box 436 Auburn	Self		✓
LOYD UPTON 422 S. 24th St W BELLINGHAM, MT 59102			✓
RUTH UPTON 422 S. 24th St W, BELLINGHAM, MT 59102			✓
Barbara Brien Bellingham MT	Montana Mobile Court		✓
Geoffrey Bayliss 2324 43rd St Missoula			✓
Monty J. Watts 3455 8th Avenue SE Bellingham, WA 98201 59101			✓
Shirley Watts 3455 8th Avenue SE Bellingham, MT 59101			✓
Pauline Engelbrecht 5805 Sandpaper, Bellingham	TENANTS & LANDLORDS		✓

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HOUSE OF REPRESENTATIVES
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Business & Ec. COMMITTEE BILL NO. HB 245
DATE Feb. 5, 1993 SPONSOR(S) M. Kadas
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Burns Julia P.O. Box 2867 MSLA.MT 59502	TENANTS & LANDLORDS		✓
Dolores Bandier Box 3455 Missoula 59803			✓
Sandpaper Billings 374 2 Howard Eggs Bldg			✓
John Wyman 11 Gth St N. Great Falls, MT	Montana People's Action	X	
Wm W. Isbell			✓
Sandy Isbell			✓
William A. Isbell			✓
George W. Johnson		X	
Kurt Spitzer	M.P.A.	X	
Deke D. May	Golden Estates	✓	
Ben Steen	Golden Estates	✓	
Gene Long	WHEEL ESTATES		✓
Mike Petersen			✓
Ed Eaton	T-L Court - Helena		✓

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Business & Ec. COMMITTEE BILL NO. HB 245
DATE Feb. 5, 1993 SPONSOR(S) M. Kadar
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Norma B Kessner</u>	<u>Income Plan Management</u>		X
<u>RICHY D LINDELTEN</u>	<u>LINDELTEN LEASE WITH IPM</u>		X
<u>Harold McDunn</u>	<u>ELM Court</u>		X
<u>Judy Leterson</u>	<u>Buckner Ent</u>		X
<u>Kathryn Hodges</u>	<u>Landlords Assn</u>		X
<u>Dennis Workman</u>	<u>Landlords Assn</u>		X
<u>Kathleen Workman</u> <u>PO Box 773, Gt Falls Mt</u>	<u>Mt Landlords Assn</u>		X
<u>Joe Watson</u> <u>PO Box 773, Gt Falls Mt</u>	<u>Mt Landlords Assn</u>		X
<u>Donna Shaffer</u>	<u>ward 2 - missoula</u>	X	
<u>Jimmy Reynolds</u>	<u>MISSOULA</u> <u>8005 hwy 101 W</u>	X	
<u>Li Meade</u>	<u>Pres. I. P. M.</u>		X
<u>Greg Voth</u>	<u>IPMA / MLA</u>		X
<u>Ken L. Fischer</u>	<u>IPMA</u>		X
<u>Cindy Miller</u>	<u>242 W. Travis</u>	X	

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Allen & Doreen Pickett mission mt Park - stevensville X
Linda Lee Linda Lee Mount PIRG X
3 of 7

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DATE Feb. 5, 1993 SPONSOR (S) M. Hadas
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Ron Wagner	Target Range Missoula	X	
Belinda Runkle	321 E. Main, Ste 300 HRDC Bzn	✓	
Robert Dunlop	5820 N. Montana Helena 59601		✓
Leslie Carlson	HRDCS	X	
Alice Campbell	1618 Sherwood Msl. 59802	X	
Percie Jones	Good Cause	X	
Les McBennet ^{West} Montana	Good Cause	X	
Jim Fleischmann	MPA	X	
John Arrish	8005 Hwy 10 W. #27 Missoula Village West MPA	X	
Art Knapp	MSCA - M.L.I.C.	X	
Glenn Decker	GREAT FALLS RIVERSIDE M.H.P.		X
Kathleen F. Decker	GREAT FALLS RIVERSIDE M.H.P.		X
Steve Manderville	MT Assoc Realtors		X
Dan Shea	Montana Low Income Coalition	X	

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JAMES J. LORAN
Bob Cox Belgrade

skyview
MSLA
Lexley ACRES

X
X
(4.1.97)

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Larry F. Rosnyssen	Trailer Terrace ^{Great Falls}		X
Donna R. Collins	1225 North Ave W	X	
Bernice Mathes	1200 Cooley ^{Fl} 12	X	
Joel Wasinger	Missoula Travels Village	X	
Nikelle Meade	MSIA Target Range Trailer Court	X	
Phyllis Bolton - Frenchtown	mobile home residents	X	
Deb Wasinger Missoula	mobile home residents	X	
Sam Richardson	mobile home park ^{Target Range}	X	
Brian Probst	mobile home park ^{Target Range}	X	
Maggie Hietala	" " " Target Range	X	
James Boone	MSIA VIL. West MOBILE	X	
Bruce Hietala	Target Range MHC Missoula, MT.	X	
Lloyd Anderson	Individual	X	
Bob Christensen	Leisure Park ^{LOLO} m	X	

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Terri Curtis
Allen White

Leisure Park 1010 MT
MSIA Village WIS

X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Kanda Carpenter	Income Prop Owners & Mgrs		X
Lee Reynolds	Mobile City Home Park		X
Sam Clothier	MLA / Spruce Pine		X
James Hollandsworth	4040 Valley West Trct		X
Barbara J. Hollandsworth	" " "		X
Don Cundy	Lowtooth Villi Homes		X
James Jeffords	Mobile City Home		X
WAYNE FRISTO	"		X
Steve Risher	Forest Park Covered Wagon Bridge View Windsor MARKS		X
Bill Olson	AARP	✓	
Bethene Alderson	Mtn Mobile Estates		X
DIXIE JOHNSON	Mountain Mobile Estates		X
DON ALDERSON	MOUNTAIN MOBILE EST		X
Dan WOOD	MT. Landlord Assn		X

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WAYNE FRISTO

Westview PK
MSIA

X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
TERRY ADWORTH	MISSOULA	X	
Eleanor Wend	Forest Park T.C. Bozeman	X	
Ted Vinton	MISSOULA		X
Marie E Vinton	WMSSA		X
TED VINTON JR	MSLA		X
RUTH CLEMENS	STEVENSVILLE MT.	X	

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DATE 2-5-93

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Ed M. Grogan</u>	<u>W. Earl Whitcomb</u>		<input checked="" type="checkbox"/>
<u>Joel Wasinger</u>	<u>Missoula</u>	<input checked="" type="checkbox"/>	
<u>Allyn Christiaens</u>	<u>Travels Village</u>	<input checked="" type="checkbox"/>	
<u>Michelle Hall</u>	<u>MPA Bozeman</u>	<input checked="" type="checkbox"/>	
<u>Sala DeCock</u>	<u>MPA Belgrade</u>	<input checked="" type="checkbox"/>	
<u>April DeCock</u>	<u>MPA Belgrade</u>	<input checked="" type="checkbox"/>	
<u>Brenda DeCock</u>	<u>MPA Belgrade</u>	<input checked="" type="checkbox"/>	
<u>Debbie Sauzkojns</u>	<u>Bozeman, MT</u>	<input checked="" type="checkbox"/>	
<u>Allen & Doreen Pickett</u>	<u>Stevensville, MT</u>	<input checked="" type="checkbox"/>	
<u>Donna Clark</u>	<u>MT Assn Realtors</u>		<input checked="" type="checkbox"/>
<u>Bob Cox Belgrade</u>	<u>Lexley Acres</u>	<input checked="" type="checkbox"/>	
<u>Christine Cox</u>	<u>Lexley Acres Belgrade</u>	<input checked="" type="checkbox"/>	
<u>Valerie Dunkle</u>	<u>Westview Park Missoula</u>	<input checked="" type="checkbox"/>	
<u>Bob Deaton</u>	<u>Citizen - Missoula</u>	<input checked="" type="checkbox"/>	

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DATE Feb. 5, 1993 SPONSOR(S) Dowell

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
San Antonio	MLA / Spruce Park		X
James E. Hollander	LOLO / Valley West tract		X
Barbara J. Hollander	" "		X
Lee Reynolds	Mobile City Home Park		X
James Reynolds	Mobile City H.P.		X
James H. Funder	" "		X
Don Curdy	South Villa - Hamilton		X
Bill Olson	AARP	✓	
Don Alderson	Mountain Mobile Est		X
Dixie Johnson	Mountain Mobile Estates		X
Bethene Alderson	" " "		X
Joe Roush	Forest Park Council House Bridge View Windsor		X
Rickey 12 LINAFECTED	LINAFECTED GENIST MLA IPM		X
Harold McDunn	E & M Court		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Larry F. Farmer	Tribble Treadal		X
Marcia Christensen	Good Cause	X	
James Christensen	Good Cause	X	
Eleanor Wend	Tenant/OWNER HB422 Good Cause 321	X	
Jan Jordan	Tenant/Owner Rules & Regs.	X	
Ron Wiegman	Target Range Muskegon	X	
Lucey W. Hansen	Mont PIRG	X	
Steve Manderville	Mt Assoc Realtors		X
Jim Parkes	WPA	X	
Louise DeVall	Mission Mobile Park	X	
Maie Vinton	Landlords		X
Ted Vinton	"		X
TED VINTON TR	MSLA		X

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DATE Feb. 5, 1993 SPONSOR(S) T. Powell

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
OTOU PALM Sue and Ernie 14100 Hwy 93 N MISSOULA, MT			✓
Elaine Chute 4020 North Ave.			✓
Ken Chute " "			✓
Hugh W Smith 7365 Bengal MSA 59801	- My Self		✓
Dan Egeland 59874 P.O. Box 303 Frenchtown, MT			✓
Emmett W. Johnson 4750 Sunnyside Ct MSA 59802			✓
Loyd Upton 422 S. 24th St. W Billings, MT			✓
Ruth Upton 422 S. 24th St. W Billings, MT 59102			✓
Duky Fairbank Box 434 Aberdeen			✓
Carl Bruen Billings, MT	Glennan Mobile Court		✓
Pauline Eggbrecht 3805 Sandpiper, Billings MT			✓
3805 Sandpiper Billings MT Howard Eggbrecht			✓
Geoffrey Bayliss 2324 42nd St Missoula			✓
P.O. Box 2867 Orono, IDA. MT.			✓

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dolores Bayliss msb mt			✓
Montana & Walter Billings			✓
Glen Cole Stie Billings			✓
ANDY SKINNER HELENA	LIFESTYLE COURT		✓
Sandy Isbell			✓
Wm W. Isbell			✓
Wm A. Isbell			✓
James Johnson		X	
Mike J. Eli	Four Winds	✓	
Debey D. Mayo	Golden Estates	✓	
Ben Steen	Golden Estates	✓	
Mike Petersen			✓
Ronida Carpenter	Deere Prop Owners & Mgs		X
CLME LONG	WHEEL ESTATES		X

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DATE 2-5-93

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Cindy Moore	Tenants 242 W. Travis	X	
Laurie Gulbranson	Mobile Home Tenant		X
Jammy Reynolds	Missoula 3005 Hwy 10 West	X	
Zelbur Whanger	Missoula, MT MPA	X	
Bernice Mathes	1700 Cooley II 12	X	
Donna Kay Collins	1225 North Ave 41.	X	
Deb Wainwright	Missoula mobile home park residents	X	
Phyllis Bolton	Frenchtown mobile home park residents	X	
Mikellote MEADE	Missoula mobile home park residents	X	
Don Porchard	mobile home park residents	X	
Brian Prudest	mobile home park residents	X	
Maggi Hietala	" " Target Range	X	
James Bonh	Mobile Home	X	
Bruce Hietala	Target Range MHE Missoula	X	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Lynda Hart 311 Mission Stur	mission Mobile Home Park	X	
ERNEST FRASER	MPA GOOD CAUSE	X	
JUDITH FRASER	MPA GOOD CAUSE	X	
Robert Dunlop	5820 N. Montana Helena 59601		X
Gail Dockins	Good Cause	X	
Percie Jones	Good Cause	X	
RAT KELLER	TRAVIS VILLAGE	X	
Albie Campbell	1618 Sherman Ave 59802	X	
Daryl J. Salway	MPA - Arlee, MT.	X	
John Arrish	8005 Hwy 10 W. #27 Missoula Village West MPA	X	
Allen White	Good cause MSIA MT	X	
BOB JAFFE	4022 SOUTH AVE #16 TARGET RANGE MISSOULA	X	
Dwight Welch	MAPRG	X	
GLENN DECKER	GREAT FALLS RIVERSHORE MHP		X

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BILL NO.

HB 422

DATE

2-5-93

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Kettinger Holger - 92 falls	Landlodge Area		X
Gary Van Horne	IPMA / MLD		X
Donna Shaffer	Ward 2 Council person ^{Missoula}	X	
Di Meade	Pres. J. P. M.		X
Carl L. Lushes	IPMA's		X
Sammy Reynolds	Missoula 800 S Hwy 10 West	X	
Donna Ray Collins	1225 North ave west 1225 North ave west	X	
Bernice Fratches	1400 Cooley ^{II} 12	X	
LARRY F. KASUSZKO	Trailer Terrace ^{Front St}		X
Laurie Gulbranson	Mobile Home Tenant		X
Wilbur Whanger	Missoula, MT	X	
May Bouchard	Missoula, MT	X	
Joel Wasinger	Mobile Home Owner Travels Village Missoula	X	
Deb Wasinger	Missoula mobile home park residents	X	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Donna Lee</u> <u>P.O. Box 2867 M&A 39802</u>	<u>CONDOMS & TENANTS</u>		<input checked="" type="checkbox"/>
<u>Wm W. Isbell</u>			<input checked="" type="checkbox"/>
<u>Sandy Isbell</u>			<input checked="" type="checkbox"/>
<u>Wm A Isbell</u>			<input checked="" type="checkbox"/>
<u>Jean & John</u>		<input checked="" type="checkbox"/>	
<u>Les McBirnie</u>	<u>M P A</u>	<input checked="" type="checkbox"/>	
<u>Bea Steen</u>	<u>Golden Estates</u>	<input checked="" type="checkbox"/>	
<u>Ronda Carpenter</u>	<u>Income Prop Owners & Mgrs</u>		<input checked="" type="checkbox"/>
<u>Stan C. Othman</u>	<u>Homeown & L Assoe / Spencer</u>		<input checked="" type="checkbox"/>
<u>Delsay D. Maye</u>	<u>Golden Estate</u>	<input checked="" type="checkbox"/>	
<u>Mike Pelchen</u>			<input checked="" type="checkbox"/>
<u>Gene Long</u>	<u>WHEEL ESTATES</u>		<input checked="" type="checkbox"/>
<u>Lee Reynolds</u>	<u>Mobile City Home Park</u>		<input checked="" type="checkbox"/>
<u>James Reynolds</u>	<u>Mobile City Home Park</u>		<input checked="" type="checkbox"/>

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James F. Finkle

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dan Egeband P.O. Box 303 Frenchtown, MT 59834			✓
Ernest W Johnson 4750 Sunnyside Ct Msls 59802			✓
Hugh W Smith 7365 Beryl - MSLA 59801	My Self		X
KIEN CHILCOTE 4020 NORTH AVE, MSLA	WESTERN MONT. LANDLORD ASS		✓
Geoffrey Bayliss			✓
2324 42nd ST Missoula			
Ruby Fairbank Box 436 Aberdeen			✓
Randine Eggemeahl 3805 Sandpiper Billings			✓
Carla Bruin Billings, MT	Montana Mobile Court		✓
Dolores Bayliss Missoula, MT			✓
305 Sandpiper Billings MT.			✓
Shirley Eggemeahl Blaine, WA			
3465 014 N. Main Rd Billings MT 59101			✓
Elaine Chilcote 4020 North Ave. Msls.			✓
Montana Water 3955 Old Hard Rd Blaine			✓

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
James Hallandworth	LoLo/Valky West Tr Ct		X
Brenda J. Hallandworth	" "		X
Ron Cusack	Lawton Falls - Hamilton		X
Don Alderson	Mountain Mobile Est		X
Dixie Johnson	Mountain Mobile Estates		X
Bethene Alderson	" " "		X
Dave Roushon	Forest Park, Covered Wagon, Bridge View, Windsor		X
Harold McDunn	E & M Court		X
Rickey D. Lindecker	LINDECKER CONSTRUCTION		X
Judy Peterson	Buckhorn Est		X
Dan Wood	MT. Landlords Assn		X
Tom Keasner	Income Prop Money		X
Kathleen Borkman	MT Landlords Assn		X
Joe Offner	MT Landlords Assn		X
Fanni Workman	MT Landlords Assn		X

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Ken Crisp Mcla Target Range Court X

Alvin Jack MPA Luby Court X 4 of 9

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Phyllis Bolton French	mobile home residents	X	
Clint Christensen	Good Cause Fiction	X	
Gail Dockins	Good Cause	X	
Louise DelValle	Good Cause	X	
Allen + Doreen Pickett	Good Cause	X	
Al Price	Good Cause	X	
Percie Jones	Good Cause	X	
Ron GRAFT	good Cause	X	
PAIKELLER MSLA	good Cause	X	
Cathy Haguenin MSLA mt	Rules + Riggs / Good Cause	X	
Allen White MSLA mt	good Cause	X	
Terry DANKWEST	Good Cause	X	
Alma M. Haguenin	Good Cause	X	
John Colvin	Good Cause	X	

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BOB JAFFE

GOOD CAUSE

X

Wanda Musee

Good Cause

X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dan Wood	MT. Landlords Assn		X
Verna B Kessner	Income Prop Mng		X
Judy Peterson	Buchanan Ent		X
Kathleen Workman PO Box 773, Gt Falls MT	MT Landlords Assn		X
Donna PO Box 773, Gt Falls MT	MT Landlords Assn		X
Kathleen Workman - Gt Falls PO Box 773, Gt Falls MT	MT Landlords Assn		X
Donna Shaffer	Ward 2 - Councilperson	X	
Tim Meade	Pres. I.P.M.		X
Greg Van Hornen	IPMA MLD		X
Jack Postlethwaite	GOO D CAUSE	+	
Paul B. Laper	"	+	
Ken L. Fisher	IPM		X
Laurie Gulbranson	Mobile Home Tenant		X

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James J. Gosar Skagway T.C.

X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Ed McKee	McKee Village		✓
VERVEST FRASER	MPA	✓	
JUDITH FRASER	GOOD CAUSE	✓	
TRITKEHER	TRAVOIS VILLAGE	X	
SICKY FASCIONE	H.E.K.E.	X	
BOB LITCH-FLAISCHMANN	KIDS	✓	
JIM FLAISCHMANN	MPA	✓	
STEVE MANDEVILLE	MT ASSOC REALTORS		X
GLENN W. DICKER	GREAT FALLS RIVERSHORE M.H.P.		X
KATHRON DICKER	GREAT FALLS RIVERSHORE M.H.P.		X
BOB COX BELGRADE	LEXLEY ACRES	X	
CHRISTINE COX BELGRADE	LEXLEY ACRES	✓	
NINA CRAMER	MPA	✓	
CARL MOTTEL	WESTVIEW TRAILER PK	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Eleanor Wend

Forest Park T.C

BOZEMAN

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Business & Econ

COMMITTEE

BILL NO. HB 422

DATE Feb 5, 1993 SPONSOR(S) Rep. Larson

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Mikellote MEADE	Hslo TRANGE RANGER tr. Court	X	
Sue Pruchard	Target Range tr. Court	X	
Brian Pruchard	Target Range Court	X	
Maggie Hietala	" " "	X	
James Boone	1451st 11th W. Mobile home	X	
Bruce Hietala	Target Range MNC Missoula mt.	X	
Ron Wagner	Target Range T.C. Missoula MT	X	
Lynde Hart	Mission Mobile home park	X	
Paul Dockins	" " "	✓	
Louise DelValle	" " "	X	
Alice Campbell	1618 Sherwood Mole 59802	X	
John Arrish	Missoula Village West Trailer Park 8005 Hwy 10 W. #27 Msla	X	
Stacey Doffe	Target Range Missoula	X	
Lancey Callias MHA	1000 N 17th Ave #238 Boneman mt 59715	X	

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