HOUSE BILL NO. 840

INTRODUCED BY McBRIDE, PALMER, KESSLER, DOZIER, FAGG, COONEY, TEAGUE, WALDRON

IN THE HOUSE

February 16, 1979	Introduced and referred to Committee on Judiciary.
February 20, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass as amended.
February 22, 1979	Correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Judiciary.
March 16, 1979	Committee recommend bill be concurred in. Report adopted.
March 19, 1979	Motion pass consideration.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in.

IN THE HOUSE

March 24, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

			7	HELLE BILL	NO. 4	340	. }		
INTRODU	CED B	v 1	ne B	rude 14	hur	المعر	Vall	hom	
A SILL				ENTITLED:				PROVIDE	FC

A SILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR JUSTICE'S COURT JURISDICTION OVER RESIDENTIAL LANDLORD-TENANT DISPUTES; INCREASE THE NOTICE REQUIREMENT FOR TERMINATION OF A TENANCY INVOLVING A MUBILE HOME; AND PROVIDE THAT UNLAWFUL DETAINER AND CERTAIN FORCIBLE DETAINER PROVISIONS DO NOT APPLY TO RESIDENTIAL LANDLORD-TENANT ARRANGEMENTS; AMENDING SECTIONS 3-10-302, 70-24-103, 70-24-441, AND 70-27-101, MCA-#

11 12 13

14

15

16

17

18

19

20

21

22

23

25

10

1

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

Section 1. Section 3-10-302, MCA, is amended to read:

"3-10-302. Jurisdiction over forcible entrys and
unlawful detainer, and residential landlord-tenant disputes.

The justices' courts have concurrent jurisdiction with the district courts within their respective counties in actions of forcible entry and unlawful detainer and in actions brought under Title TOs chapter 24."

Section 2. Section 70-24-103, MCA, is amended to read:
#70-24-103. General definitions. Subject to additional
definitions contained in subsequent sections and unless the
context otherwise requires, in this chapter the following
definitions apply:

1	(1) "Action" includes recoupment, counterclaim, setof
2	suit in equity, and any other proceeding in which rights ar
3	determined, including an action for possession.

(2) "Court" means the appropriate district court or the appropriate justice's courts

6 (2)(3) "Owelling unit" means a structure or the part
7 of a structure that is used as a home, residence, or
8 sleeping place by a person who maintains a household or by
9 two or more persons who maintain a common household.
10 "Dwelling unit", in the case of a person who rents space in
11 a mobile home park but does not rent the mobile home, means
12 the space rented and not the mobile home itself.

13 (3)(4) "Good faith" means honesty in fact in the

15 this means the owner, lessor, or
16 sublessor of the dwelling unit or the building of which it
17 is a part and also means a manager of the premises who fails
18 to disclose his managerial position.

19 (5)(6) **Organization** includes a corporation*
20 government*, governmental subdivision or agency* business
21 trust* estate* trust* partnership or association* two or
22 more persons having a joint or common interest* and any
23 other legal or commercial entity*

24 (6)(7) "Owner" means one or more persons, jointly or 25 severally, in whom is vested all or part of:

HB 840

9

10

12

13

14

16

17

13

19

20

21

22

23

25

1 (a) the legal title to property; or

7

10

11

18

19

20

21

22

- 2 (b) the beneficial ownership and a right to present
 3 use and enjoyment of the premises, including a mortgagee in
 4 possession.
- 5 (7)(8) "Person" includes an individual or 6 organization.
 - terical "Premises" means a dwelling unit and the structure of which it is a party the facilities and appurtenances therein, and the grounds, areas, and facilities held out for the use of tenants generally or promised for the use of a tenant.
- 12 t97(10) "Rent" means all payments to be made to the
 13 landlord under the rental agreement.
- 14 <u>(10)(11)</u> "Rental agreement" means all agreements.
 15 written or oral, and valid rules adopted under 70-24-311
 16 embodying the terms and conditions concerning the use and
 17 occupancy of a dwelling unit and premises.
 - unit that does not include a toilet, a bathtub or a shower, a refrigerator, a stove, or a kitchen sink, all of which are provided by the landlord and one or more of these facilities are used in common by occupants in the structure.
- 23 <u>f127(13)</u> "Single family residence" means a structure
 24 maintained and used as a single dwelling unit.
 25 Notwithstanding that a dwelling unit shares one or more

walls with another dwelling unit, it is a single family residence if it has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment, nor any other essential facility or service with another dwelling unit.

tental agreement to occupy a dwelling unit to the exclusion of others.

Section 3. Section 70-24-441, NCA, is amended to read:

"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) Notwithstanding subsections (1) and (2): the landlord or tenant may terminate a tenancy for occupancy of a mobile home or for rental of space in a mobile home park by giving to the other at any time during the tenancy at least 90 days notice in writing prior to the date designated in the notice for the termination of the tenancy.

 (3)(4) The tenancy terminates on the date designated

-4-

And the second of the second o

LC 1162/01

1	and without regard to the expiration of the period for
2	which, by the terms of the tenancy, rents are to be paid.
3	Unless otherwise agreed, rent is uniformly apportionable
4	from day to day."
5	Section 4. Section 70-27-101, MCA, is amended to read:
6	*70-27-101. Jurisdiction Application and jurisdiction
7	(1) This chapters except as it relates to forcible detained
8	as defined in 70-27-103(2) only and as it relates to
9	forcible entry. does not apply to arrangements governed by
10	chapter 24 of this title.
11	(2) The district court of the county in which the
12	property or some part of it is situated shall have
13	jurisdiction of proceedings under this chapter• provided
14	that justices' courts, within their respective counties.
15	shall have concurrent jurisdiction."

-End-

ı	HOUSE BILL NO. 840
2	INTRODUCED BY MCBRIDE, PALMER, KESSLER, DOZIER,
3	FAGG+ COONEY+ TEAGUE+ WALDRON
4	
5	A BILL FOR AN ACT ENTITLED: MAN ACT TO PROVIDE FOR
6	JUSTICE'S COURT JURISDICTION OVER RESIDENTIAL
7	LANDLORD-TENANT DISPUTES; INGREASETHEN8TIGEREQUIREMENT
8	FORTERMINATIONOFA-TENANCY-INVOLVING-A-MODILE-MOMET AND
9	PROVIDE THAT UNLAWFUL DETAINER AND CERTAIN FORCIBLE DETAINER
10	PROVISIONS DO NOT APPLY TO RESIDENTIAL LANDLORD-TENANT
11	ARRANGEMENTS; AMENDING SECTIONS 3-10-302+ 70-24-103+
12	78-24-441y AND 70-27-101. MCA."
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Section 3-10-302. MCA, is amended to read:
16	#3-10-302. Jurisdiction over forcible entrys and
17	unlawful detainer. and residential landlord-tenant disputes.
16	The justices courts have concurrent jurisdiction with the
19	district courts within their respective counties in actions
20	of forcible entry and unlawful detainer and in actions
21	brought under litle 70: chapter 24."
22	Section 2. Section 70-24-103, MCA. is amended to read:
23	*70-24-103. General definitions. Subject to additional
24	definitions contained in subsequent sections and unless the
25	context otherwise requires, in this chapter the following

(1) "Action" includes recoupment, counterclaim, setof
suit in equity, and any other proceeding in which rights are
determined, including an action for possession.

definitions apply:

20

21

22

24

25

(2) "Court" means the appropriate district court or the appropriate justice's court.

(2)[3] "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by a person who maintains a household or by 10 two or more persons who maintain a common household. 11 "Dwelling unit", in the case of a person who rents space in 12 a mobile home park but does not rent the mobile home, means 13 the space rented and not the mobile home itself.

14 †37/41 "Good faith" means honesty in fact in the 15 conduct of the transaction concerned.

16 t41151 "Landford" means the owner. lessor. or 17 sublessor of the dwelling unit or the building of which it 18 is a part and also means a manager of the premises who fails 19 to disclose his managerial position.

#51161 "Organization" includes corporation: qovernment, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interests and any other legal or commercial entity.

totill "Owner" means one or more persons, jointly or

HB 0840/02 HB 0840/02

22

23

24

25

severally.	in	whom	is	vested	all	OF	part	of:	

1

8

10

11

13

14

15

16

17

18

20

21

22

23

- (a) the legal title to property; or
- (b) the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.
- f7)(8) "Person" includes an individual or organization.
- t69191 "Premises" means a dwelling unit and the structure of which it is a part, the facilities and appurtenances therein, and the grounds, areas, and facilities held out for the use of tenants generally or promised for the use of a tenant.
- (9)(10) "Rent" means all payments to be made to the landlord under the rental agreement.
- ti0fill1 "Rental agreement" means all agreements.

 written or oral, and valid rules adopted under 70-24-311

 embodying the terms and conditions concerning the use and
 occupancy of a dwelling unit and premises.
- titical "Roomer" means a person occupying a dwelling unit that does not include a tollet, a bathtub or a shower, a refrigerator, a stove, or a kitchen sink, all of which are provided by the landlord and one or more of these facilities are used in common by occupants in the structure.
- 24 ti21(13) "Single family residence" means a structure
 25 maintained and used as a single dwelling unit.

-3-

1	Notwithstanding that a dwelling unit shares one or more
2	walls with another dwelling unit, it is a single family
3	residence if it has direct access to a street or
4	thoroughfare and shares neither heating facilities, hot
5	water equipment, nor any other essential facility or service
6	with another dwelling unit.
7	(±3)(15) "Tenant" means a person entitled under a
6	rental agreement to occupy a dwelling unit to the exclusion
9	of others.
10	Section-3*Section-70-24-441v-MCAv-is-amended-to-reads
11	#78-24-441*Terminationbylandlordor-tenant*(1)
12	The-tandtord-or-thetenantmayterminateoweek-to-week
13	tenancybyawritten-notice-given-to-the-other-at-least-7
14	days-before-the-termination-date-specified-in-the-notices
15	f2}TheTandfordorthetenantmayterminatea
16	month-to-monthtenancybygiving-to-the-other-at-any-time
17	during-the-tenancy-at-least-30-days*-notice-in-writing-prior
18	to-the-date-designated-in-the-notice-for-the-terminationof
19	the-tenancy
20	ill=:Motwithatanding===aubacetiona==fli==and==flix==ths
21	indiord-or-tenent-may-terminate-a-tenency-for-occupancyof

HB 840

·**-**

a==mobile==home=or=for=rental=of=space=in=o-mobile=home=park

bx=giving=to-the=other=ot-ony-time--during--the--tenancy--et

issit===90==doysi==notice==in==writing==prior==to==the==dn+e

designated_in_the_notice_for_the_termination_of_the_tenancyw

HB 840

HB 0840/02

+3)111--The-tenancy-terminates-on-the--date--designated and-without--regard--to--the--expiration--of-the-period-for whichy-by-the-terms-of-the-tenancyy-rents-are--to--be--paids Unless--otherwise--egreedy--rent--is-uniformly-apportionable from-day-to-day+* Section 3. Section 70-27-101. MCA. is amended to read: #70-27-101. durisdiction Application and jurisdiction. (1) This chapter, except as it relates to forcible detainer as defined in 10-27-103121 only and as it relates to forcible entry, does not apply to arrangements governed by chapter 24 of this title. 121 The district court of the county in which the property or some part of it is situated shall have jurisdiction of proceedings under this chapter, provided that justices' courts, within their respective counties, shall have concurrent jurisdiction."

1

2

3

7

В

9

10

11

12

14

15 16

-End-

46th Legislature HB 0840/03 HB 0840/03

21

23

25

1	HOUSE BILL NO. 840
2	INTRODUCED BY MCBRIDE, PALMER, KESSLER, DOZIER,
3	FAGG. COONEY. TEAGUE. WALDRON
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
6	JUSTICE'S COURT JURISDICTION OVER RESIDENTIAL
7	LANDLORD-TENANT DISPUTES; INCREASETHENOTICEREQUIREMENT
R	FORTERMINATIONOFA-TENANCY-INVOLVING-A-MODILE-MOMET AND
q	PROVIDE THAT UNLAWFUL DETAINER AND CERTAIN FORCIBLE DETAINER
O	PROVISIONS DO NOT APPLY TO RESIDENTIAL LANDLORD-TENANT
1	ARRANGEMENTS; AMENDING SECTIONS 3-10-302, 70-24-103.
L 2	78-24-441+ AND 70-27-101+ MCA.*
.3	
L 4	BF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Section 3-10-302, MCA, is amended to read:
.6	"3-10-302. Jurisdiction over forcible entrys and
.7	unlawful detainer: and residential landlord-tenant disputes.
18	The justices' courts have concurrent jurisdiction with the
19	district courts within their respective counties in actions
20	of forciple entry and unlawful detainer and in actions
21	brought_under_litle_10:_chapter_24.*
22	Section 2. Section 70-24-103. MCA, is amended to read:
23	#70-24-103. General definitions. Subject to additional

definitions contained in subsequent sections and unless the

context otherwise requires, in this chapter the following

24

25

definitions apply: 2 (1) "Action" includes recoupment, counterclaim, setoff 3 suit in equity, and any other proceeding in which rights are determined, including an action for possession. (2) "Court" means the appropriate district court or the appropriate justice's courte 7 1211 "Owelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by a person who maintains a household or by 10 two or more persons who maintain a common household. "Dwelling unit", in the case of a person who rents space in 11 a mobile home park but does not rent the mobile home, means 13 the space rented and not the mobile home itself. 14 (3)(4) "Good faith" means honesty in fact in the 15 conduct of the transaction concerned. +4+151 "Landlord" means the owner+ lessor+ or 16 17 sublessor of the dwelling unit or the building of which it is a part and also means a manager of the premises who fails 18 19 to disclose his managerial position. 20 45)161 "Organization" includes corporation.

government, governmental subdivision or agency, business

trust, estate, trust, partnership or association, two or

more persons having a joint or common interest, and any

other legal or commercial entity.

HB 0840/03 HB 0840/03

∠0

severall	yo in	whom	is	vestud	all	or	part	of:

(a) the legal title to property; or

1 2

- 3 (b) the beneficial ownership and a right to present
 4 use and enjoyment of the premisus, including a mortgagee in
 5 possession.
- 6 (7)(8) "Person" includes an individual or organization.
 - totics and the grounds areas and facilities held out for the use of tenants generally or promised for the use of a tenant.
 - f9f(10) "Rent" means all payments to be made to the
 landlord under the rental agreement.
 - ti0)(11) "Rental agreement" means all agreements.

 written or oral, and valid rules adopted under 70-24-311

 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.
 - filical "Roomer" means a person occupying a dwelling unit that does not include a toilet, a bathtub or a shower, a refrigerator, a stove, or a kitchen sink, all of which are provided by the landlord and one or more of these facilities are used in common by occupants in the structure.
- 24 (±2)(13) "Single family residence" means a structure
 25 maintained and used as a single dwelling unit.

Notwithstanding that a dwelling	unit shares one	or more
walls with another dwelling unite	it is a single	• feaily
residence if it has direct	access to a s	treet or
thoroughfare and shares neither	heating facilit	ies: hot
water equipment, nor any other ess	ntial facility o	r service
with another dwelling unit.		

- (±3†(14) "Tenant" means a person entitled under a rental agreement to occupy a duelling unit to the exclusion of others."
- 5ection-3u--5ection-70-24-442v-M64v-is-amended-to-readt #78-24-442v-Termination--by--fundiord--or-tenantv---(t) the-landiord-or-the--tenant--may--terminate--a--weak-to-week tenancy--by--a--written-notice-given-to-the-other-at-feast-7 days-before-the-termination-date-specified-in-the-noticev
- #2)--The--landlord--or--the--tenent--may--terminate---a month-to-month--tenency--by--giving-to-the-other-at-any-time during-the-tenancy-at-least-38-days--notice-in-writing-prior to-the-date-designated-in-the-notice-for-the-termination--of the-tenancy-
- fate-wetwithereoding---authoritions-fite-end-fite-the tendiord-or-tended-may-tending---authoritions-fite-end-fite-the tendiord-or-tended-may-tending-artenancy-for-occupancy--of a--mobile-home-ar-for-restat-of-apace-in-a-mobile-home-park by-giving-te-the-ether-at-may-time--during--the--tendey--at-tendite-in-writing--prior--tq--the--date designated-in-the-notice-for-the-tending-of-the-tendeys

-4- HB 840

HB 0840/03

(3)tit--The-tenancy-terminates-on-the--date--designated and--without--regard--to--the--expiration--of-the-period-for whichy-by-the-terms-of-the-tenancyy-rents-are--to--be--paidw unless--otherwise--agreedy--rent--is-uniformly-apportionable from-day-to-day=

Section 3. Section 70-27-101, MCA: is amended to read:

"70-27-101. Surisdiction Application and jurisdiction:
(11 This coapter: except as it relates to forcible detainer as defined in 70-27-103(2) only and as it relates to forcible entry: does not apply to arrangements governed by chapter-25 of this titles

(2) The district court of the county in which the property or some part of it is situated shall have jurisdiction of proceedings under this chapter, provided that justices' courts, within their respective counties,

-End-

shall have concurrent jurisdiction."