

HOUSE BILL NO. 220

Introduced: 01/13/83

Referred to Committee on Judiciary: 01/13/83

Hearing: 1/18/83

Report: 02/12/83, Do Pass, As Amended

2nd Reading: 02/15/83, Do Pass

3rd Reading: 02/17/83, Do Pass

Transmitted to Senate: 2/17/83

Referred to committee on Judiciary: 02/18/83

Hearing: 3/10/83

Report: 03/12/83, Be Not Concurred In

Bill Killed: 3/14/83

1 House BILL NO. 220
2 INTRODUCED BY Hannah

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COURT IN
5 AN ACTION FOR NONPAYMENT OF RENT TO ORDER THE TENANT OF A
6 RESIDENCE TO PAY INTO COURT ALL OR PART OF THE ACCRUED RENT;
7 AMENDING SECTION 70-24-421, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 70-24-421, MCA, is amended to read:

11 "70-24-421. Action for nonpayment of rent -- tenant's
12 counterclaim. (1) In an action for possession based upon
13 nonpayment of the rent or in an action for rent when the
14 tenant is in possession, the tenant may counterclaim for
15 any amount he may recover under the rental agreement or this
16 chapter. ~~The To assure the collection of the accrued rent,~~
17 ~~the court from time to time may shall~~ order the tenant to
18 pay into court all or part of the rent accrued and
19 thereafter accruing and shall determine the amount due to
20 each party. The party to whom a net amount is owed shall be
21 paid first from the money paid into court and the balance by
22 the other party. The court may at any time release money
23 paid into the court to either party if the parties so agree
24 or if the court finds a party entitled to the sums released.
25 If no rent remains due after application of this section,

1 judgment shall be entered for the tenant in the action for
2 possession.

3 (2) In an action for rent when the tenant is not in
4 possession, he may counterclaim as provided in subsection
5 (1) of this section but is not required to pay any rent into
6 court."

-End-

INTRODUCED BILL

Approved by Committee
on Judiciary

HOUSE BILL NO. 220

INTRODUCED BY HANNAH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COURT IN
~~AN ACTION ON CERTAIN LANDLORD-TENANT PROCEEDINGS~~ FOR NONPAYMENT
OF RENT TO ORDER THE TENANT OF A RESIDENCE TO PAY INTO COURT
ALL OR PART OF THE ACCRUED RENT; AMENDING SECTION ~~70-24-421~~
~~70-24-427~~, MCA."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 70-24-427, MCA, is amended to read:

"70-24-427. Landlord's remedies after termination ==
~~payment of rent into court.~~ (1) If the rental agreement is
terminated, the landlord has a claim for possession and for
rent and a separate claim for actual damages for any breach
of the rental agreement.

~~(2) If, in an action filed pursuant to subsection (1),
the pleadings show, or it is otherwise shown, as required in
25-8-101, that the landlord is entitled to receive the rent
and that the tenant has the rent in his possession, the
court, upon motion of the landlord, shall order the tenant
to pay the rent into court pursuant to 25-8-103 pending
resolution of the action."~~

-End-

SECOND READING

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HOUSE BILL NO. 220

INTRODUCED BY HANNAH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COURT IN
~~AN ACTION CERTAIN LANDLORD TENANT PROCEEDINGS~~ FOR NONPAYMENT
OF RENT TO ORDER THE TENANT OF A RESIDENCE TO PAY INTO COURT
ALL OR PART OF THE ACCRUED RENT; AMENDING SECTION ~~70-24-421~~
~~70-24-427~~, MCA."

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terminated, the landlord has a claim for possession and for
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of the rental agreement.

~~(2) If, in an action filed pursuant to subsection (1),
the pleadings show, or it is otherwise shown, as required in
25-8-101, that the landlord is entitled to receive the rent
and that the tenant has the rent in his possession, the
court, upon motion of the landlord, shall order the tenant
to pay the rent into court pursuant to 25-8-103 pending
resolution of the action."~~

-End-

THIRD READING
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