

HOUSE JOINT RESOLUTION NO. 32

Introduced: 03/07/83

Referred to Committee on Business & Industry: 03/07/83

Hearing: 3/18/83

Report: 03/19/83, Do Pass

2nd Reading: 03/29/83, Do Pass

3rd Reading: 03/30/83, Do Pass

Transmitted to Senate: 3/30/83

Referred to committee on Business & industry: 4/5/83

Hearing: 4/12/83

Died in Senate Committee

House JOINT RESOLUTION NO. 32

INTRODUCED BY

Doz, Stella Jean Hanson Vincent

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE PROBLEMS ARISING FROM DEVELOPMENT, SALE, AND OWNERSHIP OF CONDOMINIUMS AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE LEGISLATURE.

WHEREAS, ownership of individual units within multiple-unit residential or commercial complexes is a new and popular manner of holding equity interest; and

WHEREAS, such ownership involves sharing of title to elements common to the complex, including land, structural components, utility installations, parking areas, recreational facilities, caretakers' quarters, and other appurtenances necessary or desirable to support, enhance, or protect the lifestyle or the professional or business interests of the owners of the individual units; and

WHEREAS, still unanswered legal questions have arisen from the relatively recent emergence of the concept of unit ownership and its application to development and improvement of real estate; and

WHEREAS, prompt resolution of questions concerning rights and responsibilities of condominium owners may

prevent costly future litigation and may contribute to increased utilization of a pattern of ownership particularly adaptable to the growing population and diminishing resources of the future.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to study the problems inherent in condominium development and ownership in relationship to the provisions of the Unit Ownership Act (Title 70, chapter 23, MCA) with particular attention to:

(1) appraisal, assessment, and taxation of each unit and its percentage of the common elements and the procedures implemented by the Department of Revenue to fulfill its statutory responsibilities;

(2) enforcement of the Unit Ownership Act by the Department of Commerce;

(3) the effect of zoning laws and regulations upon the creation of a condominium and the impact of a condominium upon its neighborhood;

(4) ramifications of the bankruptcy of a condominium developer or of an association of unit owners or of the inability of either to fulfill its contractual or statutory obligations;

1 (5) auditing functions required to protect the
2 interests of all parties concerned in development,
3 construction, sale, and ownership of a condominium unit;

4 (6) potential conflicts between local government's
5 responsibility to protect the rights of the public through
6 standards for and uses of common elements and the necessity
7 for the developer or the unit owners' association to devise
8 and implement procedures or systems applicable to a specific
9 situation;

10 (7) the necessity to protect the public in the sale
11 and ownership of time-share equities through revisions or
12 expansions of the Unit Ownership Act or through the
13 enactment of new legislation;

14 (8) protection of the public against hardships created
15 by conversions of rental structures to unit ownership
16 without regard to the ability or the inclination of
17 long-term tenants to adjust to the new relationship; and

18 (9) other problems that the interim committee may
19 discover with relation to condominiums.

20 BE IT FURTHER RESOLVED, that the committee report to
21 the 49th Legislature and, if necessary, draft legislation to
22 implement its recommendations.

-End-

Approved by Committee
on Business and Industry

1 House JOINT RESOLUTION NO. 32
2 INTRODUCED BY Doz, Stella Jean Harrison Vincent
3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
6 INTERIM STUDY OF THE PROBLEMS ARISING FROM DEVELOPMENT,
7 SALE, AND OWNERSHIP OF CONDOMINIUMS AND REQUIRING A REPORT
8 OF THE FINDINGS OF THE STUDY TO THE LEGISLATURE.
9

10 WHEREAS, ownership of individual units within
11 multiple-unit residential or commercial complexes is a new
12 and popular manner of holding equity interest; and

13 WHEREAS, such ownership involves sharing of title to
14 elements common to the complex, including land, structural
15 components, utility installations, parking areas,
16 recreational facilities, caretakers' quarters, and other
17 appurtenances necessary or desirable to support, enhance, or
18 protect the lifestyle or the professional or business
19 interests of the owners of the individual units; and

20 WHEREAS, still unanswered legal questions have arisen
21 from the relatively recent emergence of the concept of unit
22 ownership and its application to development and improvement
23 of real estate; and

24 WHEREAS, prompt resolution of questions concerning
25 rights and responsibilities of condominium owners may

1 prevent costly future litigation and may contribute to
2 increased utilization of a pattern of ownership particularly
3 adaptable to the growing population and diminishing
4 resources of the future.
5

6 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
7 OF REPRESENTATIVES OF THE STATE OF MONTANA:

8 That an appropriate interim committee be assigned to
9 study the problems inherent in condominium development and
10 ownership in relationship to the provisions of the Unit
11 Ownership Act (Title 70, chapter 23, MCA) with particular
12 attention to:

13 (1) appraisal, assessment, and taxation of each unit
14 and its percentage of the common elements and the procedures
15 implemented by the Department of Revenue to fulfill its
16 statutory responsibilities;

17 (2) enforcement of the Unit Ownership Act by the
18 Department of Commerce;

19 (3) the effect of zoning laws and regulations upon the
20 creation of a condominium and the impact of a condominium
21 upon its neighborhood;

22 (4) ramifications of the bankruptcy of a condominium
23 developer or of an association of unit owners or of the
24 inability of either to fulfill its contractual or statutory
25 obligations;

1 (5) auditing functions required to protect the
2 interests of all parties concerned in development,
3 construction, sale, and ownership of a condominium unit;

4 (6) potential conflicts between local government's
5 responsibility to protect the rights of the public through
6 standards for and uses of common elements and the necessity
7 for the developer or the unit owners' association to devise
8 and implement procedures or systems applicable to a specific
9 situation;

10 (7) the necessity to protect the public in the sale
11 and ownership of time-share equities through revisions or
12 expansions of the Unit Ownership Act or through the
13 enactment of new legislation;

14 (8) protection of the public against hardships created
15 by conversions of rental structures to unit ownership
16 without regard to the ability or the inclination of
17 long-term tenants to adjust to the new relationship; and

18 (9) other problems that the interim committee may
19 discover with relation to condominiums.

20 BE IT FURTHER RESOLVED, that the committee report to
21 the 49th Legislature and, if necessary, draft legislation to
22 implement its recommendations.

-End-

House JOINT RESOLUTION NO. 32

INTRODUCED BY

Doz, Stella Jean Hansen Vincent

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE PROBLEMS ARISING FROM DEVELOPMENT, SALE, AND OWNERSHIP OF CONDOMINIUMS AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE LEGISLATURE.

WHEREAS, ownership of individual units within multiple-unit residential or commercial complexes is a new and popular manner of holding equity interest; and

WHEREAS, such ownership involves sharing of title to elements common to the complex, including land, structural components, utility installations, parking areas, recreational facilities, caretakers' quarters, and other appurtenances necessary or desirable to support, enhance, or protect the lifestyle or the professional or business interests of the owners of the individual units; and

WHEREAS, still unanswered legal questions have arisen from the relatively recent emergence of the concept of unit ownership and its application to development and improvement of real estate; and

WHEREAS, prompt resolution of questions concerning rights and responsibilities of condominium owners may

prevent costly future litigation and may contribute to increased utilization of a pattern of ownership particularly adaptable to the growing population and diminishing resources of the future.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to study the problems inherent in condominium development and ownership in relationship to the provisions of the Unit Ownership Act (Title 70, chapter 23, MCA) with particular attention to:

(1) appraisal, assessment, and taxation of each unit and its percentage of the common elements and the procedures implemented by the Department of Revenue to fulfill its statutory responsibilities;

(2) enforcement of the Unit Ownership Act by the Department of Commerce;

(3) the effect of zoning laws and regulations upon the creation of a condominium and the impact of a condominium upon its neighborhood;

(4) ramifications of the bankruptcy of a condominium developer or of an association of unit owners or of the inability of either to fulfill its contractual or statutory obligations;

1 (5) auditing functions required to protect the
2 interests of all parties concerned in development,
3 construction, sale, and ownership of a condominium unit;

4 (6) potential conflicts between local government's
5 responsibility to protect the rights of the public through
6 standards for and uses of common elements and the necessity
7 for the developer or the unit owners' association to devise
8 and implement procedures or systems applicable to a specific
9 situation;

10 (7) the necessity to protect the public in the sale
11 and ownership of time-share equities through revisions or
12 expansions of the Unit Ownership Act or through the
13 enactment of new legislation;

14 (8) protection of the public against hardships created
15 by conversions of rental structures to unit ownership
16 without regard to the ability or the inclination of
17 long-term tenants to adjust to the new relationship; and

18 (9) other problems that the interim committee may
19 discover with relation to condominiums.

20 BE IT FURTHER RESOLVED, that the committee report to
21 the 49th Legislature and, if necessary, draft legislation to
22 implement its recommendations.

-End-