

HOUSE BILL 539

Introduced by Moore, et al.

2/02	Introduced
2/02	Referred to Business & Economic Development
2/10	Hearing
2/13	Tabled in Committee

House BILL NO. 539

INTRODUCED BY

A BILL FOR AN ACT ENTITLED:

"AN ACT REQUIRING PERIODIC

SAFETY INSPECTIONS OF RENTAL RESIDENCES; AND AMENDING

SECTION 70-24-303, MCA."

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

**Section 1.** Section 70-24-303, MCA, is amended to read:

"70-24-303. Landlord to maintain premises -- agreement that tenant perform duties. (1) A landlord shall:

(a) comply with the requirements of applicable building and housing codes materially affecting health and safety in effect at the time of original construction in all dwelling units where construction is completed after July 1, 1977;

(b) make repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;

(c) keep all common areas of the premises in a clean and safe condition;

(d) maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by him;

(e) provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal; and

(f) supply running water and reasonable amounts of hot water at all times and reasonable heat between October 1 and May 1, except if the building that includes the dwelling unit is not required by law to be equipped for that purpose or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant.

(2) In order to comply with the duty imposed by subsection (1)(d), unless the residence is occupied uninterruptedly by the same tenant for a longer period of time, at least once each year the landlord shall:

(a) cause the premises to be inspected for safety by persons licensed under Title 37, chapters 68 and 69, to ensure that future tenants are not subject to hazards of fire or toxic gas; and

(b) post in a prominent location on the premises a notice of the satisfactory completion of the safety inspection, including the date of the inspection and the names and addresses of the inspectors. The posted notice must be signed by the inspectors.

(2)(3) If the duty imposed by subsection (1)(a) of

1 this section is greater than a duty imposed by subsections  
 2 (1)(b) through (1)(f), a landlord's duty shall be determined  
 3 by reference to subsection (1)(a).

4 ~~(3)~~(4) A landlord and tenant of a one-, two-, or  
 5 three-family residence may agree in writing that the tenant  
 6 perform the landlord's duties specified in subsections  
 7 (1)(e) and (1)(f) of this section and specified repairs,  
 8 maintenance tasks, alteration, and remodeling but only if  
 9 the transaction is entered into in good faith and not for  
 10 the purpose of evading the obligations of the landlord.

11 ~~(4)~~(5) A landlord and tenant of a one-, two-, or  
 12 three-family residence may agree that the tenant is to  
 13 perform specified repairs, maintenance tasks, alterations,  
 14 or remodeling only if:

15 (a) the agreement of the parties is entered into in  
 16 good faith and not for the purpose of evading the  
 17 obligations of the landlord and is set forth in a separate  
 18 writing signed by the parties and supported by adequate  
 19 consideration;

20 (b) the work is not necessary to cure noncompliance  
 21 with subsection (1)(a) of this section; and

22 (c) the agreement does not diminish the obligation of  
 23 the landlord to other tenants in the premises."

24 NEW SECTION. **Section 2. Extension of authority.** Any  
 25 existing authority to make rules on the subject of the

1 provisions of [this act] is extended to the provisions of  
 2 [this act].

-End-