

1 House BILL NO. 361  
2 INTRODUCED BY Kcelas Johns Fuchs Brooks  
3 Tilner Eric McCallister

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MUNICIPALITIES FROM ENACTING ZONING  
5 PROVISIONS THAT REGULATE THE NUMBER OF PERSONS WHO MAY RESIDE IN A DWELLING BASED  
6 SOLELY ON THE RELATIONSHIP OF THE PERSONS; AND AMENDING SECTION 76-2-304, MCA."

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

**Section 1.** Section 76-2-304, MCA, is amended to read:

"76-2-304. Purposes and restrictions of zoning. (1) ~~Such regulations shall~~ Regulations must be made in accordance with a comprehensive plan and designed to:

13 (a) lessen congestion in the streets;

14 (b) to secure safety from fire, panic, and other dangers;

15 (c) to promote health and the general welfare;

16 (d) to provide adequate light and air;

17 (e) to prevent the overcrowding of land;

18 (f) to avoid undue concentration of population; and

19           (g) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and  
20 other public requirements.

21 (2) Such regulations shall Regulations must be made with reasonable consideration, among other  
22 things, to the character of the district and its peculiar suitability for particular uses and with a view to  
23 conserving the value of buildings and encouraging the most appropriate use of land throughout ~~such the~~  
24 municipality.

25        (3) A municipality may not regulate the number of residents of a dwelling if the regulation is, in any  
26        manner, based upon the relationship of the residents."

27 -END-

