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House BILL NO. 361

INTRODUCED BY

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

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:

- (a) lessen congestion in the streets;
- (b) ~~to~~ secure safety from fire, panic, and other dangers;
- (c) ~~to~~ promote health and the general welfare;
- (d) ~~to~~ provide adequate light and air;
- (e) ~~to~~ prevent the overcrowding of land;
- (f) ~~to~~ avoid undue concentration of population; and
- (g) ~~to~~ facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

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

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

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