

SENATE BILL NO. 218

INTRODUCED BY

Richard Wiseman
Anderson Bill Wilson Harding *Tommy Harte* *HARP* *Beck*

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LANDLORD AND TENANT LAWS; ALLOWING ALL LANDLORDS TO ADOPT WRITTEN RULES AND REQUIRING DISTRIBUTION TO TENANTS; PROVIDING REMEDIES FOR CERTAIN BREACHES OF A RENTAL AGREEMENT BY A TENANT; CLARIFYING THE ACTION FOR POSSESSION OF A MOBILE HOME SPACE; REVISING GROUNDS FOR TERMINATION OF A MOBILE HOME RENTAL AGREEMENT; REVISING SECURITY DEPOSIT DEDUCTIONS; AND AMENDING SECTIONS 70-24-311, 70-24-422, 70-24-427, 70-24-436, AND 70-25-201, MCA."

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

Section 1. Section 70-24-311, MCA, is amended to read:

"70-24-311. Landlord authorized to adopt rules. (1) A landlord may adopt a rule concerning the tenant's use and occupancy of the premises. A rule is enforceable against the tenant only if:

(a) its purpose is to promote the convenience, safety, or welfare of the occupants in the premises, preserve the landlord's property from abusive use, or make a fair distribution of services and facilities held out for the tenants generally;

(b) it is reasonably related to the purpose for which it is adopted;

(c) it applies to all occupants in the premises in a fair manner;

(d) it is sufficiently explicit in its prohibition, direction, or limitation of the tenant's conduct to fairly inform the tenant of what the tenant must or must not do to comply;

(e) it is not for the purpose of evading the obligations of the landlord; and

(f) the tenant has notice of it at the time that the tenant enters into the rental agreement or when it is adopted.

~~(2) As provided in subsection (1) and in conformance with the provisions of this chapter, the landlord of a mobile home park may adopt written rules concerning the tenant's use and occupancy of the premises.~~

~~(3)(2) A rule adopted by a landlord of a mobile home park must be in writing and must be given to each mobile home owner or tenant of a mobile home owner residing in the mobile home park on the~~

1 premises and to each new ~~resident~~ tenant upon arrival.

2 ~~(4)(3)~~ If a rule is adopted after a tenant enters into a rental agreement that works a substantial
3 modification of the tenant's bargain, it is not valid until 7 days after written notice to the tenant in the case
4 of a week to week tenancy or 30 days' written notice in the case of tenancies from month to month."
5

6 **Section 2.** Section 70-24-422, MCA, is amended to read:

7 **"70-24-422. Noncompliance of tenant generally -- landlord's right of termination -- damages --**
8 **injunction.** (1) Except as provided in this chapter, if there is a noncompliance by the tenant with the rental
9 agreement or a noncompliance with 70-24-321 affecting health and safety, the landlord may deliver a
10 written notice to the tenant pursuant to 70-24-108 specifying the acts and omissions constituting the
11 breach and that the rental agreement will terminate upon a date not less than 14 days after receipt of the
12 notice. If the breach is not remedied within that time, the rental agreement terminates as provided in the
13 notice, subject to the following exceptions:

14 (a) If the breach is remediable by repairs, the payment of damages, or otherwise and the tenant
15 adequately remedies the breach before the date specified in the notice, the rental agreement does not
16 terminate.

17 (b) If the breach involves an unauthorized pet, the landlord may deliver a written notice to the
18 tenant that the rental agreement will terminate upon a date not less than 3 days after receipt of the notice
19 if the breach is not remedied within that time.

20 (c) If the breach involves unauthorized persons residing in the rental unit, the landlord may deliver
21 a written notice to the tenant that the rental agreement will terminate upon a date not less than 3 days after
22 receipt of the notice if the breach is not remedied within that time.

23 ~~(b)(d)~~ If substantially the same act or omission ~~which~~ that constituted a prior noncompliance of
24 which notice was given recurs within 6 months, the landlord may terminate the rental agreement upon at
25 least 5 days' written notice specifying the breach and the date of the termination of the rental agreement.

26 (2) (a) Except as provided in subsection (2)(b), if rent is unpaid when due and the tenant fails to
27 pay rent within 3 days after written notice by the landlord of nonpayment and the landlord's intention to
28 terminate the rental agreement if the rent is not paid within that period, the landlord may terminate the
29 rental agreement.

30 (b) For a rental agreement involving a tenant who rents space to park a mobile home but who does

1 not rent the mobile home, if rent remains unpaid 3 days after the tenant has received the notice period
2 referred to in subsection (2)(a) ~~is~~, the landlord may terminate the rental agreement 15 days after the tenant
3 has received that notice.

4 (3) If the tenant destroys, defaces, damages, impairs, or removes any part of the premises in
5 violation of 70-24-321(2), the landlord may terminate the rental agreement upon giving 3 days' written
6 notice specifying the breach under the provisions of 70-24-321(2).

7 (4) Except as provided in this chapter, the landlord may recover actual damages and obtain
8 injunctive relief for any noncompliance by the tenant with the rental agreement or 70-24-321. Except as
9 provided in subsection (5), if the tenant's noncompliance is purposeful, the landlord may recover treble
10 damages.

11 (5) Treble damages may not be recovered for the tenant's early termination of the tenancy.

12 (6) The landlord is not bound by this section in the event that the landlord elects to use the 30-day
13 notice for termination of tenancy as provided in 70-24-441."

14
15 **Section 3.** Section 70-24-427, MCA, is amended to read:

16 **"70-24-427. Landlord's remedies after termination -- action for possession.** (1) If the rental
17 agreement is terminated, the landlord has a claim for possession and for rent and a separate claim for actual
18 damages for any breach of the rental agreement.

19 (2) An action filed pursuant to subsection (1) in a court must be heard within 20 days after the
20 tenant's appearance or the answer date stated in the summons. If the action is appealed to the district
21 court, the hearing must be held within 20 days after the case is transmitted to the district court.

22 (3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in
23 subsection (2) without the necessity of an undertaking.

24 (4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the
25 action within 5 days after the hearing.

26 (5) In a landlord's action for possession of a mobile home park space filed pursuant to subsection
27 (1), if the court enters a writ of assistance directing the sheriff to enter the premises and remove the mobile
28 home owner and the tenant of the mobile home owner, the sheriff shall remove the owner and tenant
29 within 10 days from the date on which the writ is delivered to the sheriff."

1 **Section 4.** Section 70-24-436, MCA, is amended to read:

2 **"70-24-436. Mobile home parks -- grounds for termination of rental agreement.** (1) A landlord of
3 a mobile home park may terminate a rental agreement only by following the procedure set forth in
4 70-24-422 and only for one or more of the following reasons:

5 (a) nonpayment of rent, late charges, or common area maintenance fees as established in the rental
6 agreement;

7 (b) late payment of rent, late charges, or common area maintenance fees as established in the
8 rental agreement three or more times within a 12-month period if written notice is given by the landlord
9 after each failure to pay, as required by 70-24-422;

10 (c) violation of a mobile home park rule that creates an immediate threat to the health and safety
11 of any resident of the mobile home park if the violation has not been remedied 24 hours after the violator
12 is given written notice of the violation;

13 (d) two or more violations within a 12-month period of any combination of one or more mobile
14 home park rules, the violation of which would have a significant adverse impact on the mobile home park
15 or its residents and which are so designated;

16 (e) two or more violations within a 12-month period of the same rule;

17 (f) two or more violations of 70-24-321(1) within a 12-month period or any violation of
18 70-24-321(2);

19 (g) disorderly conduct that results in disruption of the rights of others to the peaceful enjoyment
20 and use of the premises, endangers other residents or mobile home park personnel, or causes substantial
21 damage to the mobile home park premises;

22 (h) conviction of the mobile home owner or a tenant of the mobile home owner of a violation of
23 a federal or state law or local ordinance, when the violation is detrimental to the health, safety, or welfare
24 of other residents or the landlord of the mobile home park, or the landlord's documentation of a violation
25 of the provisions of Title 45, chapter 9;

26 (i) changes in the use of the land if the requirements of subsection (2) are met; or

27 (j) ~~a legitimate business notwithstanding the reasons or time periods established in subsections~~
28 (1)(a) through (1)(i), any other reason, or provided that the landlord if meets the following requirements of
29 subsection (3) are met;

30 (i) the termination does not violate a provision of this section or any other state statute; and

1 (ii) the landlord has given the mobile home owner or tenant of the mobile home owner a minimum
 2 of 90 days' written notice of the termination.

3 (2) If a landlord plans to change the use of all or part of the land composing the mobile home park
 4 from mobile home lot rentals to some other use, each affected mobile home owner must receive notice from
 5 the landlord as follows:

6 (a) The landlord shall give the mobile home owner and a tenant of the mobile home owner at least
 7 15 days' written notice that the landlord will be appearing before a unit of local government to request
 8 permits for a change of use of the mobile home park.

9 (b) After all required permits requesting a change of use have been approved by the unit of local
 10 government, the landlord shall give the mobile home owner and a tenant of the mobile home owner 6
 11 months' written notice of termination of tenancy. If the change of use does not require local government
 12 permits, the landlord shall give the written notice at least 6 months prior to the change of use. In the
 13 notice, the landlord shall disclose and describe in detail the nature of the change of use.

14 (c) Prior to entering a rental agreement during the 6-month notice period referred to in subsection
 15 (2)(b), the landlord shall give each prospective mobile home owner and tenant of the mobile home owner
 16 written notice that the landlord is requesting a change in use before a unit of local government or that a
 17 change in use has been approved.

18 ~~(3) (a) A landlord may terminate the rental agreement of a mobile home owner or a tenant of a~~
 19 ~~mobile home owner if the landlord, by the termination:~~

20 ~~(i) does not violate a provision of this section or any other state statute; and~~

21 ~~(ii) has a legitimate business reason.~~

22 ~~(b) A landlord shall give the mobile home owner or the tenant of a mobile home owner a minimum~~
 23 ~~of 90 days' written notice of termination.~~

24 ~~(4)(3)~~ For purposes of calculating the total number of notices given within a 12-month period under
 25 subsection (1)(b), only one notice per violation per month may be included in the calculation."

26
 27 **Section 5.** Section 70-25-201, MCA, is amended to read:

28 **"70-25-201. Security deposit -- deductions authorized therefrom.** (1) A landlord renting property
 29 covered by this chapter may deduct from the security deposit a sum equal to the damage alleged to have
 30 been caused by the tenant, together with a sum equal to the unpaid rent, late charges, utilities, penalties

1 due under lease provisions, and other money owing to the landlord at the time of deduction, including rent
2 owed under 70-24-441(3), and a sum for actual cleaning expenses.

3 (2) At the request of either party, the premises may be inspected within 1 week prior to termination
4 of the tenancy.

5 (3) Cleaning charges may not be imposed for normal maintenance performed on a cyclical basis
6 by the landlord as noted by the landlord at the time that the tenant occupies the space unless the landlord
7 is forced to perform this maintenance because of negligence of the tenant. Additionally, cleaning charges
8 may not be deducted until written notice has been given to the tenant. The notice must include the cleaning
9 not accomplished by the tenant and the additional and type or types of cleaning ~~which~~ that need to be done
10 by the tenant to bring the premises back to its condition at the time of its renting. After the delivery of the
11 notice, the tenant has 24 hours to complete the required cleaning. If notice is mailed by certified mail,
12 service of the notice is considered to have been made 3 days after the date of the mailing. A tenant who
13 fails to notify the landlord of the intent to vacate or who vacates the premises without notice relieves the
14 landlord of the requirement of giving notice and allows the landlord to deduct the cleaning charges from
15 the deposit.

16 (4) A person may not deduct or withhold from the security deposit any amount for purposes other
17 than those set forth in this section."

18

-END-

1 SENATE BILL NO. 218

2 INTRODUCED BY CHRISTIAENS, WISEMAN, GRIMES, ANDERSON, WILSON, HARDING, TOEWS,
3 HERTEL, HARP, BECK
45 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LANDLORD AND TENANT LAWS;
6 ALLOWING ALL LANDLORDS TO ADOPT WRITTEN RULES AND REQUIRING DISTRIBUTION TO TENANTS;
7 PROVIDING REMEDIES FOR CERTAIN BREACHES OF A RENTAL AGREEMENT BY A TENANT; ~~CLARIFYING~~
8 ~~THE ACTION FOR POSSESSION OF A MOBILE HOME SPACE;~~ REVISING GROUND'S NOTICE
9 REQUIREMENTS FOR TERMINATION OF A MOBILE HOME RENTAL AGREEMENT; REVISING SECURITY
10 DEPOSIT DEDUCTIONS; AND AMENDING SECTIONS 70-24-311, 70-24-422, ~~70-24-427~~, 70-24-436, AND
11 70-25-201, MCA."12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:14
15 **Section 1.** Section 70-24-311, MCA, is amended to read:16 **"70-24-311. Landlord authorized to adopt rules.** (1) A landlord may adopt a rule concerning the
17 tenant's use and occupancy of the premises. A rule is enforceable against the tenant only if:18 (a) its purpose is to promote the convenience, safety, or welfare of the occupants in the premises,
19 preserve the landlord's property from abusive use, or make a fair distribution of services and facilities held
20 out for the tenants generally;

21 (b) it is reasonably related to the purpose for which it is adopted;

22 (c) it applies to all occupants in the premises in a fair manner;

23 (d) it is sufficiently explicit in its prohibition, direction, or limitation of the tenant's conduct to fairly
24 inform the tenant of what the tenant must or must not do to comply;

25 (e) it is not for the purpose of evading the obligations of the landlord; and

26 (f) the tenant has notice of it at the time that the tenant enters into the rental agreement or when
27 it is adopted.28 ~~(2) As provided in subsection (1) and in conformance with the provisions of this chapter, the~~
29 ~~landlord of a mobile home park may adopt written rules concerning the tenant's use and occupancy of the~~
30 ~~premises.~~

1 ~~(3)~~(2) A rule adopted by a landlord ~~of a mobile home park~~ must be in writing and must be given
2 to each ~~mobile home owner~~ or tenant ~~of a mobile home owner~~ residing ~~in the mobile home park~~ on the
3 premises and to each new ~~resident~~ tenant upon arrival.

4 ~~(4)~~(3) If a rule is adopted after a tenant enters into a rental agreement that works a substantial
5 modification of the tenant's bargain, it is not valid until 7 days after written notice to the tenant in the case
6 of a week to week tenancy or 30 days' written notice in the case of tenancies from month to month."
7

8 **Section 2.** Section 70-24-422, MCA, is amended to read:

9 **"70-24-422. Noncompliance of tenant generally -- landlord's right of termination -- damages --**
10 **injunction.** (1) Except as provided in this chapter, if there is a noncompliance by the tenant with the rental
11 agreement or a noncompliance with 70-24-321 affecting health and safety, the landlord may deliver a
12 written notice to the tenant pursuant to 70-24-108 specifying the acts and omissions constituting the
13 breach and that the rental agreement will terminate upon a date not less than 14 days after receipt of the
14 notice. If the breach is not remedied within that time, the rental agreement terminates as provided in the
15 notice, subject to the following exceptions:

16 (a) If the breach is remediable by repairs, the payment of damages, or otherwise and the tenant
17 adequately remedies the breach before the date specified in the notice, the rental agreement does not
18 terminate.

19 **(b) If the breach involves an unauthorized pet, the landlord may deliver a written notice to the**
20 **tenant that the rental agreement will terminate upon a date not less than 3 days after receipt of the notice**
21 **if the breach is not remedied within that time. THIS SUBSECTION DOES NOT APPLY TO A RENTAL**
22 **AGREEMENT INVOLVING A TENANT WHO RENTS SPACE TO PARK A MOBILE HOME BUT WHO DOES**
23 **NOT RENT THE MOBILE HOME.**

24 **(c) If the breach involves unauthorized persons residing in the rental unit, the landlord may deliver**
25 **a written notice to the tenant that the rental agreement will terminate upon a date not less than 3 days after**
26 **receipt of the notice if the breach is not remedied within that time. THIS SUBSECTION DOES NOT APPLY**
27 **TO A RENTAL AGREEMENT INVOLVING A TENANT WHO RENTS SPACE TO PARK A MOBILE HOME BUT**
28 **WHO DOES NOT RENT THE MOBILE HOME.**

29 ~~(b)~~(d) If substantially the same act or omission ~~which~~ that constituted a prior noncompliance of
30 which notice was given recurs within 6 months, the landlord may terminate the rental agreement upon at

1 least 5 days' written notice specifying the breach and the date of the termination of the rental agreement.

2 (2) (a) Except as provided in subsection (2)(b), if rent is unpaid when due and the tenant fails to
3 pay rent within 3 days after written notice by the landlord of nonpayment and the landlord's intention to
4 terminate the rental agreement if the rent is not paid within that period, the landlord may terminate the
5 rental agreement.

6 (b) For a rental agreement involving a tenant who rents space to park a mobile home but who does
7 not rent the mobile home, ~~if rent remains unpaid 3 days after the tenant has received~~ the notice period
8 PERIOD referred to in subsection (2)(a) is, ~~the landlord may terminate the rental agreement~~ IS 15 days after
9 the tenant has received that notice.

10 (3) If the tenant destroys, defaces, damages, impairs, or removes any part of the premises in
11 violation of 70-24-321(2), the landlord may terminate the rental agreement upon giving 3 days' written
12 notice specifying the breach under the provisions of 70-24-321(2).

13 (4) Except as provided in this chapter, the landlord may recover actual damages and obtain
14 injunctive relief for any noncompliance by the tenant with the rental agreement or 70-24-321. Except as
15 provided in subsection (5), if the tenant's noncompliance is purposeful, the landlord may recover treble
16 damages.

17 (5) Treble damages may not be recovered for the tenant's early termination of the tenancy.

18 (6) The landlord is not bound by this section in the event that the landlord elects to use the 30-day
19 notice for termination of tenancy as provided in 70-24-441."
20

21 ~~**Section 3. Section 70-24-427, MCA, is amended to read:**~~

22 ~~**"70-24-427. Landlord's remedies after termination — action for possession.** (1) If the rental
23 agreement is terminated, the landlord has a claim for possession and for rent and a separate claim for actual
24 damages for any breach of the rental agreement.~~

25 ~~(2) An action filed pursuant to subsection (1) in a court must be heard within 20 days after the
26 tenant's appearance or the answer date stated in the summons. If the action is appealed to the district
27 court, the hearing must be held within 20 days after the case is transmitted to the district court.~~

28 ~~(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in
29 subsection (2) without the necessity of an undertaking.~~

30 ~~(4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the~~

1 ~~action within 5 days after the hearing.~~

2 ~~(5) In a landlord's action for possession of a mobile home park space filed pursuant to subsection~~
 3 ~~(1), if the court enters a writ of assistance directing the sheriff to enter the premises and remove the mobile~~
 4 ~~home owner and the tenant of the mobile home owner, the sheriff shall remove the owner and tenant~~
 5 ~~within 10 days from the date on which the writ is delivered to the sheriff."~~

6

7 **Section 3.** Section 70-24-436, MCA, is amended to read:

8 **"70-24-436. Mobile home parks -- grounds for termination of rental agreement.** (1) A landlord of
 9 a mobile home park may terminate a rental agreement only by following the procedure set forth in
 10 70-24-422, EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION, and only for one or more of the
 11 following reasons:

12 (a) nonpayment of rent, late charges, or common area maintenance fees as established in the rental
 13 agreement;

14 (b) late payment of rent, late charges, or common area maintenance fees as established in the
 15 rental agreement three or more times within a 12-month period if written notice is given by the landlord
 16 after each failure to pay, as required by 70-24-422~~7~~. FOR THIS SUBSECTION (1)(B), THE NOTICE PERIOD
 17 REFERRED TO IN 70-24-422(1) IS 30 DAYS.

18 (c) violation of a mobile home park rule that creates an immediate threat to the health and safety
 19 of any resident of the mobile home park if the violation has not been remedied 24 hours after the violator
 20 is given written notice of the violation;

21 (d) two or more violations within a 12-month period of any combination of one or more mobile
 22 home park rules, the violation of which would have a significant adverse impact on the mobile home park
 23 or its residents and which are so designated;

24 (e) two or more violations within a 12-month period of the same rule~~7~~. FOR THIS SUBSECTION
 25 (1)(E), THE NOTICE PERIOD REFERRED TO IN 70-24-422(1) IS 60 DAYS.

26 (f) two or more violations of 70-24-321(1) within a 12-month period or any violation of
 27 70-24-321(2);

28 (g) disorderly conduct that results in disruption of the rights of others to the peaceful enjoyment
 29 and use of the premises~~7~~. FOR THIS SUBSECTION (1)(G), THE NOTICE PERIOD REFERRED TO IN
 30 70-24-422(1) IS 30 DAYS.

1 ~~mobile home owner if the landlord, by the termination:~~

2 ~~(i) does not violate a provision of this section or any other state statute; and~~

3 ~~(ii) has a legitimate business reason.~~

4 ~~(b) A landlord shall give the mobile home owner or the tenant of a mobile home owner a minimum~~
5 ~~of 90 days' written notice of termination.~~

6 ~~(4)(3)~~ For purposes of calculating the total number of notices given within a 12-month period under
7 subsection (1)(b), only one notice per violation per month may be included in the calculation."

8
9 **Section 4.** Section 70-25-201, MCA, is amended to read:

10 **"70-25-201. Security deposit -- deductions authorized therefrom.** (1) A landlord renting property
11 covered by this chapter may deduct from the security deposit a sum equal to the damage alleged to have
12 been caused by the tenant, together with a sum equal to the unpaid rent, late charges, utilities, penalties
13 due under lease provisions, and other money owing to the landlord at the time of deduction, including rent
14 owed under 70-24-441(3), and a sum for actual cleaning expenses.

15 (2) At the request of either party, the premises may be inspected within 1 week prior to termination
16 of the tenancy.

17 (3) Cleaning charges may not be imposed for normal maintenance performed on a cyclical basis
18 by the landlord as noted by the landlord at the time that the tenant occupies the space unless the landlord
19 is forced to perform this maintenance because of negligence of the tenant. Additionally, cleaning charges
20 may not be deducted until written notice has been given to the tenant. The notice must include the cleaning
21 not accomplished by the tenant and the additional and type or types of cleaning ~~which~~ that need to be done
22 by the tenant to bring the premises back to its condition at the time of its renting. After the delivery of the
23 notice, the tenant has 24 hours to complete the required cleaning. If notice is mailed by certified mail,
24 service of the notice is considered to have been made 3 days after the date of the mailing. A tenant who
25 fails to notify the landlord of the intent to vacate or who vacates the premises without notice relieves the
26 landlord of the requirement of giving notice and allows the landlord to deduct the cleaning charges from
27 the deposit.

28 (4) A person may not deduct or withhold from the security deposit any amount for purposes other
29 than those set forth in this section."

30 -END-

1 (H) endangers other residents or mobile home park personnel, or causes substantial damage to the
2 mobile home park premises;

3 ~~(I)~~ conviction of the mobile home owner or a tenant of the mobile home owner of a violation of
4 a federal or state law or local ordinance, when the violation is detrimental to the health, safety, or welfare
5 of other residents or the landlord of the mobile home park, or the landlord's documentation of a violation
6 of the provisions of Title 45, chapter 9;

7 ~~(J)~~ changes in the use of the land if the requirements of subsection (2) are met; or, FOR THIS
8 SUBSECTION (1)(J), THE NOTICE PERIOD REFERRED TO IN 70-24-422(1) IS 180 DAYS.

9 ~~(K) a legitimate business notwithstanding the reasons or time periods established in subsections~~
10 ~~(1)(a) through (1)(i), any other~~ A LEGITIMATE BUSINESS reason, or provided that the landlord if meets the
11 following requirements ~~of subsection (3) are met~~:

12 (i) the termination does not violate a provision of this section or any other state statute; and

13 (ii) the landlord has given the mobile home owner or tenant of the mobile home owner a minimum
14 of 90 days' written notice of the termination.

15 (2) If a landlord plans to change the use of all or part of the land composing the mobile home park
16 from mobile home lot rentals to some other use, each affected mobile home owner must receive notice from
17 the landlord as follows:

18 (a) The landlord shall give the mobile home owner and a tenant of the mobile home owner at least
19 15 days' written notice that the landlord will be appearing before a unit of local government to request
20 permits for a change of use of the mobile home park.

21 (b) After all required permits requesting a change of use have been approved by the unit of local
22 government, the landlord shall give the mobile home owner and a tenant of the mobile home owner 6
23 months' written notice of termination of tenancy. If the change of use does not require local government
24 permits, the landlord shall give the written notice at least 6 months prior to the change of use. In the
25 notice, the landlord shall disclose and describe in detail the nature of the change of use.

26 (c) Prior to entering a rental agreement during the 6-month notice period referred to in subsection
27 (2)(b), the landlord shall give each prospective mobile home owner and tenant of the mobile home owner
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29 change in use has been approved.

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24 inform the tenant of what the tenant must or must not do to comply;

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27 it is adopted.

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9 **"70-24-422. Noncompliance of tenant generally -- landlord's right of termination -- damages --**
 10 **injunction.** (1) Except as provided in this chapter, if there is a noncompliance by the tenant with the rental
 11 agreement or a noncompliance with 70-24-321 affecting health and safety, the landlord may deliver a
 12 written notice to the tenant pursuant to 70-24-108 specifying the acts and omissions constituting the
 13 breach and that the rental agreement will terminate upon a date not less than 14 days after receipt of the
 14 notice. If the breach is not remedied within that time, the rental agreement terminates as provided in the
 15 notice, subject to the following exceptions:

16 (a) If the breach is remediable by repairs, the payment of damages, or otherwise and the tenant
 17 adequately remedies the breach before the date specified in the notice, the rental agreement does not
 18 terminate.

19 **(b) If the breach involves an unauthorized pet, the landlord may deliver a written notice to the**
 20 **tenant that the rental agreement will terminate upon a date not less than 3 days after receipt of the notice**
 21 **if the breach is not remedied within that time. THIS SUBSECTION DOES NOT APPLY TO A RENTAL**
 22 **AGREEMENT INVOLVING A TENANT WHO RENTS SPACE TO PARK A MOBILE HOME BUT WHO DOES**
 23 **NOT RENT THE MOBILE HOME.**

24 **(c) If the breach involves unauthorized persons residing in the rental unit, the landlord may deliver**
 25 **a written notice to the tenant that the rental agreement will terminate upon a date not less than 3 days after**
 26 **receipt of the notice if the breach is not remedied within that time. THIS SUBSECTION DOES NOT APPLY**
 27 **TO A RENTAL AGREEMENT INVOLVING A TENANT WHO RENTS SPACE TO PARK A MOBILE HOME BUT**
 28 **WHO DOES NOT RENT THE MOBILE HOME.**

29 ~~(b)(d)~~ If substantially the same act or omission ~~which~~ that constituted a prior noncompliance of
 30 which notice was given recurs within 6 months, the landlord may terminate the rental agreement upon at

1 least 5 days' written notice specifying the breach and the date of the termination of the rental agreement.

2 (2) (a) Except as provided in subsection (2)(b), if rent is unpaid when due and the tenant fails to
3 pay rent within 3 days after written notice by the landlord of nonpayment and the landlord's intention to
4 terminate the rental agreement if the rent is not paid within that period, the landlord may terminate the
5 rental agreement.

6 (b) For a rental agreement involving a tenant who rents space to park a mobile home but who does
7 not rent the mobile home, ~~if rent remains unpaid 3 days after the tenant has received~~ the notice period
8 PERIOD referred to in subsection (2)(a) ~~is, the landlord may terminate the rental agreement~~ IS 15 days after
9 the tenant has received that notice.

10 (3) If the tenant destroys, defaces, damages, impairs, or removes any part of the premises in
11 violation of 70-24-321(2), the landlord may terminate the rental agreement upon giving 3 days' written
12 notice specifying the breach under the provisions of 70-24-321(2).

13 (4) Except as provided in this chapter, the landlord may recover actual damages and obtain
14 injunctive relief for any noncompliance by the tenant with the rental agreement or 70-24-321. Except as
15 provided in subsection (5), if the tenant's noncompliance is purposeful, the landlord may recover treble
16 damages.

17 (5) Treble damages may not be recovered for the tenant's early termination of the tenancy.

18 (6) The landlord is not bound by this section in the event that the landlord elects to use the 30-day
19 notice for termination of tenancy as provided in 70-24-441."

20

21 ~~Section 3. Section 70-24-427, MCA, is amended to read:~~

22 ~~"70-24-427. Landlord's remedies after termination action for possession. (1) If the rental~~
23 ~~agreement is terminated, the landlord has a claim for possession and for rent and a separate claim for actual~~
24 ~~damages for any breach of the rental agreement.~~

25 ~~(2) An action filed pursuant to subsection (1) in a court must be heard within 20 days after the~~
26 ~~tenant's appearance or the answer date stated in the summons. If the action is appealed to the district~~
27 ~~court, the hearing must be held within 20 days after the case is transmitted to the district court.~~

28 ~~(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in~~
29 ~~subsection (2) without the necessity of an undertaking.~~

30 ~~(4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the~~

1 ~~action within 5 days after the hearing.~~

2 ~~(5) In a landlord's action for possession of a mobile home park space filed pursuant to subsection~~
 3 ~~(1), if the court enters a writ of assistance directing the sheriff to enter the premises and remove the mobile~~
 4 ~~home owner and the tenant of the mobile home owner, the sheriff shall remove the owner and tenant~~
 5 ~~within 10 days from the date on which the writ is delivered to the sheriff."~~

6

7 **Section 3.** Section 70-24-436, MCA, is amended to read:

8 **"70-24-436. Mobile home parks -- grounds for termination of rental agreement.** (1) A landlord of
 9 a mobile home park may terminate a rental agreement only by following the procedure set forth in
 10 70-24-422, EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION, and only for one or more of the
 11 following reasons:

12 (a) nonpayment of rent, late charges, or common area maintenance fees as established in the rental
 13 agreement;

14 (b) late payment of rent, late charges, or common area maintenance fees as established in the
 15 rental agreement three or more times within a 12-month period if written notice is given by the landlord
 16 after each failure to pay, as required by 70-24-422~~;~~, FOR THIS SUBSECTION (1)(B), THE NOTICE PERIOD
 17 REFERRED TO IN 70-24-422(1) IS 30 DAYS.

18 (c) violation of a mobile home park rule that creates an immediate threat to the health and safety
 19 of any resident of the mobile home park if the violation has not been remedied 24 hours after the violator
 20 is given written notice of the violation;

21 (d) two or more violations within a 12-month period of any combination of one or more mobile
 22 home park rules, the violation of which would have a significant adverse impact on the mobile home park
 23 or its residents and which are so designated;

24 (e) two or more violations within a 12-month period of the same rule~~;~~, FOR THIS SUBSECTION
 25 (1)(E), THE NOTICE PERIOD REFERRED TO IN 70-24-422(1) IS 60 DAYS.

26 (f) two or more violations of 70-24-321(1) within a 12-month period or any violation of
 27 70-24-321(2);

28 (g) disorderly conduct that results in disruption of the rights of others to the peaceful enjoyment
 29 and use of the premises~~;~~, FOR THIS SUBSECTION (1)(G), THE NOTICE PERIOD REFERRED TO IN
 30 70-24-422(1) IS 30 DAYS.

1 (H) endangers other residents or mobile home park personnel, or causes substantial damage to the
2 mobile home park premises;

3 ~~(H)(I)~~ conviction of the mobile home owner or a tenant of the mobile home owner of a violation of
4 a federal or state law or local ordinance, when the violation is detrimental to the health, safety, or welfare
5 of other residents or the landlord of the mobile home park, or the landlord's documentation of a violation
6 of the provisions of Title 45, chapter 9;

7 ~~(H)(J)~~ changes in the use of the land if the requirements of subsection (2) are met; or, FOR THIS
8 SUBSECTION (1)(J), THE NOTICE PERIOD REFERRED TO IN 70-24-422(1) IS 180 DAYS.

9 ~~(H)(K) a legitimate business notwithstanding the reasons or time periods established in subsections~~
10 ~~(1)(a) through (1)(i), any other~~ A LEGITIMATE BUSINESS reason, or provided that the landlord if meets the
11 following requirements of subsection (3) are met:

12 (i) the termination does not violate a provision of this section or any other state statute; and

13 (ii) the landlord has given the mobile home owner or tenant of the mobile home owner a minimum
14 of 90 days' written notice of the termination.

15 (2) If a landlord plans to change the use of all or part of the land composing the mobile home park
16 from mobile home lot rentals to some other use, each affected mobile home owner must receive notice from
17 the landlord as follows:

18 (a) The landlord shall give the mobile home owner and a tenant of the mobile home owner at least
19 15 days' written notice that the landlord will be appearing before a unit of local government to request
20 permits for a change of use of the mobile home park.

21 (b) After all required permits requesting a change of use have been approved by the unit of local
22 government, the landlord shall give the mobile home owner and a tenant of the mobile home owner 6
23 months' written notice of termination of tenancy. If the change of use does not require local government
24 permits, the landlord shall give the written notice at least 6 months prior to the change of use. In the
25 notice, the landlord shall disclose and describe in detail the nature of the change of use.

26 (c) Prior to entering a rental agreement during the 6-month notice period referred to in subsection
27 (2)(b), the landlord shall give each prospective mobile home owner and tenant of the mobile home owner
28 written notice that the landlord is requesting a change in use before a unit of local government or that a
29 change in use has been approved.

30 ~~(3) (a) A landlord may terminate the rental agreement of a mobile home owner or a tenant of a~~

1 ~~mobile home owner if the landlord, by the termination:~~

2 ~~(i) does not violate a provision of this section or any other state statute; and~~

3 ~~(ii) has a legitimate business reason.~~

4 ~~(b) A landlord shall give the mobile home owner or the tenant of a mobile home owner a minimum~~
5 ~~of 90 days' written notice of termination.~~

6 ~~(4)(3)~~ For purposes of calculating the total number of notices given within a 12-month period under
7 subsection (1)(b), only one notice per violation per month may be included in the calculation."

8

9 **Section 4.** Section 70-25-201, MCA, is amended to read:

10 **"70-25-201. Security deposit -- deductions authorized therefrom.** (1) A landlord renting property
11 covered by this chapter may deduct from the security deposit a sum equal to the damage alleged to have
12 been caused by the tenant, together with a sum equal to the unpaid rent, late charges, utilities, penalties
13 due under lease provisions, and other money owing to the landlord at the time of deduction, including rent
14 owed under 70-24-441(3), and a sum for actual cleaning expenses.

15 (2) At the request of either party, the premises may be inspected within 1 week prior to termination
16 of the tenancy.

17 (3) Cleaning charges may not be imposed for normal maintenance performed on a cyclical basis
18 by the landlord as noted by the landlord at the time that the tenant occupies the space unless the landlord
19 is forced to perform this maintenance because of negligence of the tenant. Additionally, cleaning charges
20 may not be deducted until written notice has been given to the tenant. The notice must include the cleaning
21 not accomplished by the tenant and the additional and type or types of cleaning ~~which~~ that need to be done
22 by the tenant to bring the premises back to its condition at the time of its renting. After the delivery of the
23 notice, the tenant has 24 hours to complete the required cleaning. If notice is mailed by certified mail,
24 service of the notice is considered to have been made 3 days after the date of the mailing. A tenant who
25 fails to notify the landlord of the intent to vacate or who vacates the premises without notice relieves the
26 landlord of the requirement of giving notice and allows the landlord to deduct the cleaning charges from
27 the deposit.

28 (4) A person may not deduct or withhold from the security deposit any amount for purposes other
29 than those set forth in this section."

30

-END-

SENATE BILL NO. 218

INTRODUCED BY CHRISTIAENS, WISEMAN, GRIMES, ANDERSON, WILSON, HARDING, TOEWS,
HERTEL, HARP, BECK

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LANDLORD AND TENANT LAWS;
ALLOWING ALL LANDLORDS TO ADOPT WRITTEN RULES AND REQUIRING DISTRIBUTION TO TENANTS;
PROVIDING REMEDIES FOR CERTAIN BREACHES OF A RENTAL AGREEMENT BY A TENANT; ~~CLARIFYING~~
~~THE ACTION FOR POSSESSION OF A MOBILE HOME SPACE~~; REVISING GROUND NOTICE
REQUIREMENTS FOR TERMINATION OF A MOBILE HOME RENTAL AGREEMENT; REVISING SECURITY
DEPOSIT DEDUCTIONS; AND AMENDING SECTIONS 70-24-311, 70-24-422, ~~70-24-427~~, 70-24-436, AND
70-25-201, MCA."

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

Section 1. Section 70-24-311, MCA, is amended to read:

"70-24-311. Landlord authorized to adopt rules. (1) A landlord may adopt a rule concerning the tenant's use and occupancy of the premises. A rule is enforceable against the tenant only if:

(a) its purpose is to promote the convenience, safety, or welfare of the occupants in the premises, preserve the landlord's property from abusive use, or make a fair distribution of services and facilities held out for the tenants generally;

(b) it is reasonably related to the purpose for which it is adopted;

(c) it applies to all occupants in the premises in a fair manner;

(d) it is sufficiently explicit in its prohibition, direction, or limitation of the tenant's conduct to fairly inform the tenant of what the tenant must or must not do to comply;

(e) it is not for the purpose of evading the obligations of the landlord; and

(f) the tenant has notice of it at the time that the tenant enters into the rental agreement or when it is adopted.

~~(2) As provided in subsection (1) and in conformance with the provisions of this chapter, the landlord of a mobile home park may adopt written rules concerning the tenant's use and occupancy of the premises.~~

1 ~~(2)~~(2) A rule adopted by a landlord of a mobile home park must be in writing and must be given
2 to each ~~mobile home owner or tenant of a mobile home owner~~ residing in the mobile home park on the
3 premises and to each new ~~resident~~ tenant upon arrival.

4 ~~(3)~~(3) If a rule is adopted after a tenant enters into a rental agreement that works a substantial
5 modification of the tenant's bargain, it is not valid until 7 days after written notice to the tenant in the case
6 of a week to week tenancy or 30 days' written notice in the case of tenancies from month to month."

7

8 **Section 2.** Section 70-24-422, MCA, is amended to read:

9 **"70-24-422. Noncompliance of tenant generally -- landlord's right of termination -- damages --**
10 **injunction.** (1) Except as provided in this chapter, if there is a noncompliance by the tenant with the rental
11 agreement or a noncompliance with 70-24-321 affecting health and safety, the landlord may deliver a
12 written notice to the tenant pursuant to 70-24-108 specifying the acts and omissions constituting the
13 breach and that the rental agreement will terminate upon a date not less than 14 days after receipt of the
14 notice. If the breach is not remedied within that time, the rental agreement terminates as provided in the
15 notice, subject to the following exceptions:

16 (a) If the breach is remediable by repairs, the payment of damages, or otherwise and the tenant
17 adequately remedies the breach before the date specified in the notice, the rental agreement does not
18 terminate.

19 **(b) If the breach involves an unauthorized pet, the landlord may deliver a written notice to the**
20 **tenant that the rental agreement will terminate upon a date not less than 3 days after receipt of the notice**
21 **if the breach is not remedied within that time. THIS SUBSECTION DOES NOT APPLY TO A RENTAL**
22 **AGREEMENT INVOLVING A TENANT WHO RENTS SPACE TO PARK A MOBILE HOME BUT WHO DOES**
23 **NOT RENT THE MOBILE HOME.**

24 **(c) If the breach involves unauthorized persons residing in the rental unit, the landlord may deliver**
25 **a written notice to the tenant that the rental agreement will terminate upon a date not less than 3 days after**
26 **receipt of the notice if the breach is not remedied within that time. THIS SUBSECTION DOES NOT APPLY**
27 **TO A RENTAL AGREEMENT INVOLVING A TENANT WHO RENTS SPACE TO PARK A MOBILE HOME BUT**
28 **WHO DOES NOT RENT THE MOBILE HOME.**

29 ~~(b)~~(d) If substantially the same act or omission ~~which~~ that constituted a prior noncompliance of
30 which notice was given recurs within 6 months, the landlord may terminate the rental agreement upon at

1 least 5 days' written notice specifying the breach and the date of the termination of the rental agreement.

2 (2) (a) Except as provided in subsection (2)(b), if rent is unpaid when due and the tenant fails to
3 pay rent within 3 days after written notice by the landlord of nonpayment and the landlord's intention to
4 terminate the rental agreement if the rent is not paid within that period, the landlord may terminate the
5 rental agreement.

6 (b) For a rental agreement involving a tenant who rents space to park a mobile home but who does
7 not rent the mobile home, ~~if rent remains unpaid 3 days after the tenant has received~~ the notice period
8 PERIOD referred to in subsection (2)(a) ~~is, the landlord may terminate the rental agreement~~ IS 15 days after
9 the tenant has received that notice.

10 (3) If the tenant destroys, defaces, damages, impairs, or removes any part of the premises in
11 violation of 70-24-321(2), the landlord may terminate the rental agreement upon giving 3 days' written
12 notice specifying the breach under the provisions of 70-24-321(2).

13 (4) Except as provided in this chapter, the landlord may recover actual damages and obtain
14 injunctive relief for any noncompliance by the tenant with the rental agreement or 70-24-321. Except as
15 provided in subsection (5), if the tenant's noncompliance is purposeful, the landlord may recover treble
16 damages.

17 (5) Treble damages may not be recovered for the tenant's early termination of the tenancy.

18 (6) The landlord is not bound by this section in the event that the landlord elects to use the 30-day
19 notice for termination of tenancy as provided in 70-24-441."

20
21 ~~Section 3. Section 70-24-427, MCA, is amended to read:~~

22 ~~"70-24-427. Landlord's remedies after termination—action for possession. (1) If the rental~~
23 ~~agreement is terminated, the landlord has a claim for possession and for rent and a separate claim for actual~~
24 ~~damages for any breach of the rental agreement.~~

25 ~~(2) An action filed pursuant to subsection (1) in a court must be heard within 20 days after the~~
26 ~~tenant's appearance or the answer date stated in the summons. If the action is appealed to the district~~
27 ~~court, the hearing must be held within 20 days after the case is transmitted to the district court.~~

28 ~~(3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in~~
29 ~~subsection (2) without the necessity of an undertaking.~~

30 ~~(4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the~~

1 ~~action within 5 days after the hearing.~~

2 ~~(5) In a landlord's action for possession of a mobile home park space filed pursuant to subsection~~
 3 ~~(1), if the court enters a writ of assistance directing the sheriff to enter the premises and remove the mobile~~
 4 ~~home owner and the tenant of the mobile home owner, the sheriff shall remove the owner and tenant~~
 5 ~~within 10 days from the date on which the writ is delivered to the sheriff."~~

6

7 **Section 3.** Section 70-24-436, MCA, is amended to read:

8 **"70-24-436. Mobile home parks -- grounds for termination of rental agreement.** (1) A landlord of
 9 a mobile home park may terminate a rental agreement only by following the procedure set forth in
 10 70-24-422, EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION, and only for one or more of the
 11 following reasons:

12 (a) nonpayment of rent, late charges, or common area maintenance fees as established in the rental
 13 agreement;

14 (b) late payment of rent, late charges, or common area maintenance fees as established in the
 15 rental agreement three or more times within a 12-month period if written notice is given by the landlord
 16 after each failure to pay, as required by 70-24-422, FOR THIS SUBSECTION (1)(B), THE NOTICE PERIOD
 17 REFERRED TO IN 70-24-422(1) IS 30 DAYS.

18 (c) violation of a mobile home park rule that creates an immediate threat to the health and safety
 19 of any resident of the mobile home park if the violation has not been remedied 24 hours after the violator
 20 is given written notice of the violation;

21 (d) two or more violations within a 12-month period of any combination of one or more mobile
 22 home park rules, the violation of which would have a significant adverse impact on the mobile home park
 23 or its residents and which are so designated;

24 (e) two or more violations within a 12-month period of the same rule, FOR THIS SUBSECTION
 25 (1)(E), THE NOTICE PERIOD REFERRED TO IN 70-24-422(1) IS 60 DAYS.

26 (f) two or more violations of 70-24-321(1) within a 12-month period or any violation of
 27 70-24-321(2);

28 (g) disorderly conduct that results in disruption of the rights of others to the peaceful enjoyment
 29 and use of the premises, FOR THIS SUBSECTION (1)(G), THE NOTICE PERIOD REFERRED TO IN
 30 70-24-422(1) IS 30 DAYS.

1 (H) endangers other residents or mobile home park personnel, or causes substantial damage to the
2 mobile home park premises;

3 ~~(H)(I)~~ conviction of the mobile home owner or a tenant of the mobile home owner of a violation of
4 a federal or state law or local ordinance, when the violation is detrimental to the health, safety, or welfare
5 of other residents or the landlord of the mobile home park, or the landlord's documentation of a violation
6 of the provisions of Title 45, chapter 9;

7 ~~(H)(J)~~ changes in the use of the land if the requirements of subsection (2) are met; or, FOR THIS
8 SUBSECTION (1)(J), THE NOTICE PERIOD REFERRED TO IN 70-24-422(1) IS 180 DAYS.

9 ~~(H)(K) a legitimate business notwithstanding the reasons or time periods established in subsections~~
10 ~~(1)(a) through (1)(i), any other~~ A LEGITIMATE BUSINESS reason, if provided that the landlord if meets the
11 following requirements of subsection (3) are met:

12 (i) the termination does not violate a provision of this section or any other state statute; and

13 (ii) the landlord has given the mobile home owner or tenant of the mobile home owner a minimum
14 of 90 days' written notice of the termination.

15 (2) If a landlord plans to change the use of all or part of the land composing the mobile home park
16 from mobile home lot rentals to some other use, each affected mobile home owner must receive notice from
17 the landlord as follows:

18 (a) The landlord shall give the mobile home owner and a tenant of the mobile home owner at least
19 15 days' written notice that the landlord will be appearing before a unit of local government to request
20 permits for a change of use of the mobile home park.

21 (b) After all required permits requesting a change of use have been approved by the unit of local
22 government, the landlord shall give the mobile home owner and a tenant of the mobile home owner 6
23 months' written notice of termination of tenancy. If the change of use does not require local government
24 permits, the landlord shall give the written notice at least 6 months prior to the change of use. In the
25 notice, the landlord shall disclose and describe in detail the nature of the change of use.

26 (c) Prior to entering a rental agreement during the 6-month notice period referred to in subsection
27 (2)(b), the landlord shall give each prospective mobile home owner and tenant of the mobile home owner
28 written notice that the landlord is requesting a change in use before a unit of local government or that a
29 change in use has been approved.

30 ~~(3) (a) A landlord may terminate the rental agreement of a mobile home owner or a tenant of a~~

1 ~~mobile home owner if the landlord, by the termination:~~

2 ~~(i) does not violate a provision of this section or any other state statute; and~~

3 ~~(ii) has a legitimate business reason.~~

4 ~~(b) A landlord shall give the mobile home owner or the tenant of a mobile home owner a minimum~~
5 ~~of 90 days' written notice of termination.~~

6 (4)(3) For purposes of calculating the total number of notices given within a 12-month period under
7 subsection (1)(b), only one notice per violation per month may be included in the calculation."

8

9 **Section 4.** Section 70-25-201, MCA, is amended to read:

10 **"70-25-201. Security deposit -- deductions authorized therefrom.** (1) A landlord renting property
11 covered by this chapter may deduct from the security deposit a sum equal to the damage alleged to have
12 been caused by the tenant, together with a sum equal to the unpaid rent, late charges, utilities, penalties
13 due under lease provisions, and other money owing to the landlord at the time of deduction, including rent
14 owed under 70-24-441(3), and a sum for actual cleaning expenses.

15 (2) At the request of either party, the premises may be inspected within 1 week prior to termination
16 of the tenancy.

17 (3) Cleaning charges may not be imposed for normal maintenance performed on a cyclical basis
18 by the landlord as noted by the landlord at the time that the tenant occupies the space unless the landlord
19 is forced to perform this maintenance because of negligence of the tenant. Additionally, cleaning charges
20 may not be deducted until written notice has been given to the tenant. The notice must include the cleaning
21 not accomplished by the tenant and the additional and type or types of cleaning ~~which~~ that need to be done
22 by the tenant to bring the premises back to its condition at the time of its renting. After the delivery of the
23 notice, the tenant has 24 hours to complete the required cleaning. If notice is mailed by certified mail,
24 service of the notice is considered to have been made 3 days after the date of the mailing. A tenant who
25 fails to notify the landlord of the intent to vacate or who vacates the premises without notice relieves the
26 landlord of the requirement of giving notice and allows the landlord to deduct the cleaning charges from
27 the deposit.

28 (4) A person may not deduct or withhold from the security deposit any amount for purposes other
29 than those set forth in this section."

30

-END-