

SENATE BILL NO. 332

INTRODUCED BY

Weldon McCulloch

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LANDLORD AND TENANT LAW; REQUIRING A LANDLORD MAKING REPAIRS TO RESTORE THE PREMISES TO THE ORIGINAL CONDITION; PROVIDING THAT A LANDLORD OF A MOBILE HOME PARK IS A TRUSTEE OF THE COMMON AREAS OF THE MOBILE HOME PARK; REQUIRING A LANDLORD OF A MOBILE HOME PARK TO COMPLY WITH ALL SANITATION AND HEALTH STANDARDS CONCERNING PUBLIC WATER SUPPLY AND SEWAGE STANDARDS; REVISING CONDITIONS FOR SALE OF A MOBILE HOME IN A MOBILE HOME PARK; REVISING ROAD MAINTENANCE REQUIREMENTS IN MOBILE HOME PARKS; AND AMENDING SECTIONS 70-24-303, 70-24-305, AND 70-24-315, 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 -- limitation of landlord's liability for failure of smoke detector. (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~~ the landlord;

(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;

(f) supply running water and reasonable amounts of hot water at all times and reasonable heat

1 between October 1 and May 1, except if the building that includes the dwelling unit is not required by law
2 to be equipped for that purpose or the dwelling unit is so constructed that heat or hot water is generated
3 by an installation within the exclusive control of the tenant; and

4 (g) install, in accordance with rules adopted by the department of justice, an approved smoke
5 detector in each dwelling unit under ~~his~~ the landlord's control. Upon commencement of a rental agreement,
6 the landlord shall verify that the smoke detector in the dwelling unit is in good working order. The tenant
7 shall maintain the smoke detector in good working order during the tenant's rental period. For purposes of
8 this subsection, an approved smoke detector is a device that is capable of detecting visible or invisible
9 particles of combustion and that bears a label or other identification issued by an approved testing agency
10 having a service for inspection of materials and workmanship quality at the factory during fabrication and
11 assembly.

12 (2) If the duty imposed by subsection (1)(a) ~~of this section~~ is greater than a duty imposed by
13 subsections (1)(b) through (1)(g), a landlord's duty ~~shall be~~ is determined by reference to subsection (1)(a).

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

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

20 (a) the agreement of the parties is entered into in good faith and not for the purpose of evading
21 the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by
22 adequate consideration;

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

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

25 (5) The landlord is not liable for damages caused as a result of the failure of the smoke detector
26 required under subsection (1)(g).

27 (6) A landlord performing repairs or maintenance under this section is required to restore the
28 premises to the original condition.

29 (7) A landlord of a mobile home park is a trustee of the common areas of the mobile home park.

30 (8) A landlord of a mobile home park shall comply with all sanitation and health standards

1 concerning public water supply and sewage standards affecting health and safety."

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3 **Section 2.** Section 70-24-305, MCA, is amended to read:

4 **"70-24-305. Transfer of premises by tenant.** (1) A tenant who vacates a dwelling unit during the
5 term of a tenancy may not allow the possession of the property to be transferred to a third person or sublet
6 the property unless the landlord or the landlord's agent has consented in writing.

7 (2) The sale or rental of a mobile home located upon a rental lot does not entitle the purchaser or
8 renter to retain rental of the lot unless the purchaser or renter enters into a rental agreement with the owner
9 of the lot. If the potential purchaser has applied for mobile home park residency with the landlord, the
10 potential purchaser's residency may not be unreasonably denied. If residency is denied, the seller and the
11 potential purchaser must be provided with a written reason for the denial and an opportunity to correct the
12 reason, if applicable.

13 (3) A mobile home owner who owns the mobile home but rents the lot space has the exclusive
14 right to sell the mobile home without interference or conditions by the landlord. The new purchaser shall
15 make suitable arrangements with the landlord in order to become a tenant on the mobile home lot. The
16 purchase of the mobile home does not automatically entitle the purchaser to rent the mobile home lot.

17 (4) A landlord may not impose any conditions that may unreasonably restrict the sale of a mobile
18 home based upon its age or size and may not require the mobile home to be moved from the mobile home
19 park if the mobile home is in reasonably good condition."

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21 **Section 3.** Section 70-24-315, MCA, is amended to read:

22 **"70-24-315. Mobile home park landlord's road maintenance obligations.** In addition to the
23 obligations imposed by 70-24-303, the mobile home park landlord shall maintain common roads within the
24 mobile home park in a safe condition, including arranging for ~~snow plowing~~ snowplowing as is reasonable
25 to keep the roads passable. Roads must be maintained in a manner that provides access for emergency
26 services vehicles and personnel. More than one point of ingress and egress must be provided for
27 emergency purposes."

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-END-

1 SENATE BILL NO. 332

2 INTRODUCED BY WELDON, MCCULLOCH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~GENERALLY REVISING LANDLORD AND TENANT LAW;~~
 5 ~~REQUIRING A LANDLORD MAKING REPAIRS TO RESTORE THE PREMISES TO THE ORIGINAL CONDITION;~~
 6 ~~PROVIDING THAT A LANDLORD OF A MOBILE HOME PARK IS A TRUSTEE OF THE COMMON AREAS OF~~
 7 ~~THE MOBILE HOME PARK; REQUIRING A LANDLORD OF A MOBILE HOME PARK TO COMPLY WITH ALL~~
 8 ~~SANITATION AND HEALTH STANDARDS CONCERNING PUBLIC WATER SUPPLY AND SEWAGE~~
 9 ~~STANDARDS; REVISING CONDITIONS FOR SALE OF A MOBILE HOME IN A MOBILE HOME PARK;~~
 10 ~~REVISING ROAD MAINTENANCE REQUIREMENTS IN MOBILE HOME PARKS; AND AMENDING SECTIONS~~
 11 ~~70-24-303, 70-24-305, AND 70-24-315, MCA."~~

12

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

14

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

16 ~~"70-24-303. Landlord to maintain premises—agreement that tenant perform duties—limitation~~
 17 ~~of landlord's liability for failure of smoke detector. (1) A landlord shall:~~

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

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

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

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

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

30 ~~(f) supply running water and reasonable amounts of hot water at all times and reasonable heat~~

1 ~~between October 1 and May 1, except if the building that includes the dwelling unit is not required by law~~
 2 ~~to be equipped for that purpose or the dwelling unit is so constructed that heat or hot water is generated~~
 3 ~~by an installation within the exclusive control of the tenant; and~~

4 ~~(g) install, in accordance with rules adopted by the department of justice, an approved smoke~~
 5 ~~detector in each dwelling unit under his the landlord's control. Upon commencement of a rental agreement,~~
 6 ~~the landlord shall verify that the smoke detector in the dwelling unit is in good working order. The tenant~~
 7 ~~shall maintain the smoke detector in good working order during the tenant's rental period. For purposes of~~
 8 ~~this subsection, an approved smoke detector is a device that is capable of detecting visible or invisible~~
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 13 ~~subsections (1)(b) through (1)(g), a landlord's duty shall be is determined by reference to subsection (1)(a).~~

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

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

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 21 ~~the obligations of the landlord and is set forth in a separate writing signed by the parties and supported by~~
 22 ~~adequate consideration;~~

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

24 ~~(c) the agreement does not diminish the obligation of the landlord to other tenants in the premises.~~

25 ~~(5) The landlord is not liable for damages caused as a result of the failure of the smoke detector~~
 26 ~~required under subsection (1)(g).~~

27 ~~(6) A landlord performing repairs or maintenance under this section is required to restore the~~
 28 ~~premises to the original condition.~~

29 ~~(7) A landlord of a mobile home park is a trustee of the common areas of the mobile home park.~~

30 ~~(8) A landlord of a mobile home park shall comply with all sanitation and health standards~~

1 ~~concerning public water supply and sewage standards affecting health and safety."~~

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3 **Section 1.** Section 70-24-305, MCA, is amended to read:

4 **"70-24-305. Transfer of premises by tenant.** (1) A tenant who vacates a dwelling unit during the
5 term of a tenancy may not allow the possession of the property to be transferred to a third person or sublet
6 the property unless the landlord or the landlord's agent has consented in writing.

7 (2) The sale or rental of a mobile home located upon a rental lot does not entitle the purchaser or
8 renter to retain rental of the lot unless the purchaser or renter enters into a rental agreement with the owner
9 of the lot. If the potential purchaser has applied for mobile home park residency with the landlord, the
10 potential purchaser's residency may not be unreasonably denied. If residency is denied, the seller and the
11 potential purchaser must be provided with a written reason for the denial and an opportunity to correct the
12 reason, if applicable.

13 (3) A mobile home owner who owns the mobile home but rents the lot space has the exclusive
14 right to sell the mobile home without interference or conditions by the landlord. The new purchaser shall
15 make suitable arrangements with the landlord in order to become a tenant on the mobile home lot. The
16 purchase of the mobile home does not automatically entitle the purchaser to rent the mobile home lot.

17 (4) A landlord may not impose any conditions that may unreasonably restrict the sale of a mobile
18 home based upon its age or size and may not require the mobile home to be moved from the mobile home
19 park if the mobile home is in reasonably good condition."

20

21 **Section 2.** Section 70-24-315, MCA, is amended to read:

22 **"70-24-315. Mobile home park landlord's road maintenance obligations.** In addition to the
23 obligations imposed by 70-24-303, the mobile home park landlord shall maintain common roads within the
24 mobile home park in a safe condition, including arranging for ~~snow plowing~~ snowplowing as is reasonable
25 to keep the roads passable. Roads must be maintained in a manner that provides access for emergency
26 services vehicles and personnel. ~~More than one point of ingress and egress must be provided for~~
27 emergency purposes."

28

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