

*Sliter*  
Bitterley House BILL NO. 495

INTRODUCED BY

*Miller* *Denny*  
*Hayne* *Wagner*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE HUMAN RIGHTS LAW EXCEPTION FOR HOUSING FOR OLDER PERSONS TO THE PROHIBITION AGAINST DISCRIMINATION BASED ON AGE OR FAMILIAL STATUS; AND AMENDING SECTION 49-2-305, MCA."

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

*Beaupre Stovall*  
*Knorr* *Edwards* *Johnson* *Knorr* *Wood* *Buck* *Samplins*  
*Doyle* *Partwich* *McIntosh* *Delmont*  
*Krenzier* *Seating*

Section 1. Section 49-2-305, MCA, is amended to read:

"49-2-305. Discrimination in housing -- exemptions. (1) It is an unlawful discriminatory practice for the owner, lessee, or manager having the right to sell, lease, or rent a housing accommodation or improved or unimproved property or for any other person:

(a) to refuse to sell, lease, or rent the housing accommodation or property to a person because of sex, marital status, race, creed, religion, color, age, familial status, physical or mental disability, or national origin;

(b) to discriminate against a person because of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin in a term, condition, or privilege relating to the use, sale, lease, or rental of the housing accommodation or property;

(c) to make an inquiry of the sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin of a person seeking to buy, lease, or rent a housing accommodation or property for the purpose of discriminating on the basis of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin;

(d) to refuse to negotiate for a sale or to otherwise make unavailable or deny a housing accommodation or property because of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin;

(e) to represent to a person that a housing accommodation or property is not available for inspection, sale, or rental because of that person's sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin when the housing accommodation or property is in fact available; or

1 (f) for profit, to induce or attempt to induce a person to sell or rent a housing accommodation or  
2 property by representations regarding the entry or prospective entry into the neighborhood of a person or  
3 persons of a particular sex, marital status, race, creed, religion, age, familial status, physical or mental  
4 disability, color, or national origin.

5 (2) The rental of sleeping rooms in a private residence designed for single-family occupancy in  
6 which the owner also resides is excluded from the provisions of subsection (1), provided that the owner  
7 rents no more than three sleeping rooms within the residence.

8 (3) It is an unlawful discriminatory practice to make, print, or publish or cause to be made, printed,  
9 or published any notice, statement, or advertisement that indicates any preference, limitation, or  
10 discrimination that is prohibited by subsection (1) or any intention to make or have a prohibited preference,  
11 limitation, or discrimination.

12 (4) It is an unlawful discriminatory practice for a person to discriminate because of a physical or  
13 mental disability of a buyer, lessee, or renter; a person residing in or intending to reside in or on the housing  
14 accommodation or property after it is sold, leased, rented, or made available; or any person associated with  
15 that buyer, lessee, or renter:

16 (a) in the sale, rental, or availability of the housing accommodation or property;

17 (b) in the terms, conditions, or privileges of a sale or rental of the housing accommodation or  
18 property; or

19 (c) in the provision of services or facilities in connection with the housing accommodation or  
20 property.

21 (5) For purposes of subsections (1) and (4), discrimination because of physical or mental disability  
22 includes:

23 (a) refusal to permit, at the expense of the person with a disability, reasonable modifications of  
24 existing premises occupied or to be occupied by the person with a disability if the modifications may be  
25 necessary to allow the person full enjoyment of the premises, except that in the case of a lease or rental,  
26 the landlord may, ~~where~~ when it is reasonable to do so, condition permission for a modification on the  
27 lessor's or renter's agreement to restore the interior of the premises to the condition that existed before  
28 the modification, except for reasonable wear and tear;

29 (b) refusal to make reasonable accommodations in rules, policies, practices, or services when the  
30 accommodations may be necessary to allow the person equal opportunity to use and enjoy a housing

1 accommodation or property; or

2 (c) (i) except as provided in subsection (5)(c)(ii), in connection with the design and construction  
3 of a covered multifamily housing accommodation, a failure to design and construct the housing  
4 accommodation in a manner that:

5 (A) provides at least one accessible building entrance on an accessible route;

6 (B) makes the public use and common use portions of the housing accommodation readily  
7 accessible to and usable by a person with a disability;

8 (C) provides that all doors designed to allow passage into and within all premises within the  
9 housing accommodation are sufficiently wide to allow passage by a person with a disability who uses a  
10 wheelchair; and

11 (D) ensures that all premises within the housing accommodation contain the following features of  
12 adaptive design:

13 (I) an accessible route into and through the housing accommodation;

14 (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible  
15 locations;

16 (III) reinforcements in bathroom walls to allow later installation of grab bars; and

17 (IV) usable kitchens and bathrooms that allow an individual who uses a wheelchair to maneuver  
18 about the space;

19 (ii) a covered multifamily housing accommodation that does not have at least one building entrance  
20 on an accessible route because it is impractical to do so due to the terrain or unusual characteristics of the  
21 site is not required to comply with the requirements of subsection (5)(c)(i).

22 (6) For purposes of subsection (5), the term "covered multifamily housing accommodation" means:

23 (a) a building consisting of four or more dwelling units if the building has one or more elevators;  
24 and

25 (b) ground floor units in a building consisting of four or more dwelling units.

26 (7) (a) It is an unlawful discriminatory practice for any person or other entity whose business  
27 includes engaging in residential real estate-related transactions to discriminate because of sex, marital  
28 status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin  
29 against a person in making available a transaction or in the terms or conditions of a transaction.

30 (b) For purposes of this subsection (7), the term "residential real estate-related transaction" means

1 any of the following:

2 (i) the making or purchasing of loans or providing other financial assistance:

3 (A) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation  
4 or property; or

5 (B) secured by residential real estate; or

6 (ii) the selling, brokering, or appraising of residential real property.

7 (8) It is an unlawful discriminatory practice to deny a person access to or membership or  
8 participation in a multiple-listing service; real estate brokers' organization; or other service, organization,  
9 or facility relating to the business of selling, leasing, or renting housing accommodations or property or to  
10 discriminate against the person in the terms or conditions of access, membership, or participation because  
11 of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or  
12 national origin.

13 (9) It is an unlawful discriminatory practice to coerce, intimidate, threaten, or interfere with a  
14 person in the exercise or enjoyment of or because of the person having exercised or enjoyed or having  
15 aided or encouraged any other person in the exercise or enjoyment of a right granted or protected by this  
16 section.

17 (10) The prohibitions of this section against discrimination because of age and familial status do not  
18 extend to housing for older persons. "Housing for older persons" means housing:

19 (a) provided under any state or federal program specifically designed and operated to assist elderly  
20 persons;

21 (b) intended for, and solely occupied by, persons 62 years of age or older; or

22 (c) intended and operated for occupancy by at least one person 55 years of age or older per unit  
23 in accordance with the provisions of 42 U.S.C. 3607(b)(2)(C) and (b)(3) through (b)(5), and ~~24 CFR~~  
24 ~~100.304~~, as those ~~sections~~ provisions read on ~~October 1, 1989~~ March 31, 1996.

25 (11) The prohibitions of subsection (1) against discrimination because of age and familial status do  
26 not extend to rooms or units in dwellings containing living quarters occupied or intended to be occupied  
27 by no more than two families living independently of each other, if the owner actually maintains and  
28 occupies one of the living quarters as the owner's residence.

29 (12) For purposes of this section, "familial status" means having a child or children who live or will  
30 live with a person. A distinction based on familial status includes one that is based on the age of a child

1 or children who live or will live with a person."

2 -END-

APPROVED BY COM  
ON JUDICIARY

*Bitney Sitter*  
House BILL NO. 495

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INTRODUCED BY ~~William H. ...~~ *DENNY* ~~...~~

*Hayne* ~~...~~

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*Doyle* *Edwards* *Johnson* *Knox* *Wood* *Buck* *Simpkins*  
*Krenzier* *McIntosh* *Delmonico*  
*Keating*

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO INTRODUCED COPY (WHITE) FOR COMPLETE TEXT.**



*Sitter*  
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INTRODUCED BY ~~*[Signature]*~~ *DENNY*

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*[Signatures: Beauvy Stovall, Knox, Beck, Schmidt, Kreuzler, etc.]*

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2 -END-

HOUSE BILL NO. 495

INTRODUCED BY MILLS, BARNETT, DENNY, BOHLINGER, ROSE, DEVANEY, HAYNE, MARSHALL, PROUSE, AHNER, WAGNER, GRINDE, SOFT, ADAMS, QUILICI, PAVLOVICH, KNOX, MOOD, BECK, SIMPKINS, BEAUDRY, STOVALL, TUSS, MCNUTT, SCHMIDT, KEATING, KRENZLER, BITNEY, SLITER, GAGE, CRIPPEN, MOHL, HAGENER

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