

1 Senate BILL NO. 279  
 2 INTRODUCED BY *Cyril Strickland* *James McCulloch* *Dewell*  
 3 *Eck* *Enck* *Conroy* *Sullivan* *Carney* *John Johnson* *Hagan*

4 A BILL FOR AN ACT ENTITLED, "AN ACT ELIMINATING A PROVISION ALLOWING THE LANDLORD OF  
 5 A MOBILE HOME PARK TO TERMINATE A RENTAL AGREEMENT IF A TENANT HAS VIOLATED THE SAME  
 6 RULE OF THE PARK TWO OR MORE TIMES WITHIN A 12-MONTH PERIOD; AND AMENDING SECTION  
 7 70-24-436, MCA."  
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10

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

12 **"70-24-436. Mobile home parks -- grounds for termination of rental agreement.** (1) A landlord of  
 13 a mobile home park may terminate a rental agreement only by following the procedure set forth in  
 14 70-24-422, except as specifically provided in this section, and only for one or more of the following  
 15 reasons:

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

18 (b) late payment of rent, late charges, or common area maintenance fees as established in the  
 19 rental agreement three or more times within a 12-month period if written notice is given by the landlord  
 20 after each failure to pay, as required by 70-24-422. For this subsection (1)(b), the notice period referred  
 21 to in 70-24-422(1) is 30 days.

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

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

28 ~~(e) two or more violations within a 12-month period of the same rule. For this subsection (1)(e),~~  
 29 ~~the notice period referred to in 70-24-422(1) is 60 days.~~

30 ~~(#)(e)~~ two or more violations of 70-24-321(1) within a 12-month period or any violation of

1 70-24-321(2);

2 ~~(g)~~(f) disorderly conduct that results in disruption of the rights of others to the peaceful enjoyment  
3 and use of the premises. For this subsection ~~(1)(g)~~ (1)(f), the notice period referred to in 70-24-422(1) is  
4 30 days.

5 ~~(h)~~(g) ~~endangers~~ endangering other residents or mobile home park personnel, or ~~causes~~ causing  
6 substantial damage to the mobile home park premises;

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

11 ~~(j)~~(i) changes in the use of the land if the requirements of subsection (2) are met. For this  
12 subsection ~~(1)(j)~~ (1)(i), the notice period referred to in 70-24-422(1) is 180 days.

13 ~~(k)~~(j) a legitimate business reason, provided that the landlord meets the following requirements:

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

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

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

20 (a) The landlord shall give the mobile home owner and a tenant of the mobile home owner at least  
21 15 days' written notice that the landlord will be appearing before a unit of local government to request  
22 permits for a change of use of the mobile home park.

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

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

1 change in use has been approved.

2 (3) For purposes of calculating the total number of notices given within a 12-month period under

3 subsection (1)(b), only one notice ~~per~~ for each violation per month may be included in the calculation."

4 -END-

## 1 SENATE BILL NO. 279

2 INTRODUCED BY CRIPPEN, ESTRADA, SANDS, MCCULLOCH, DOWELL, ECK, EWER, CAREY,  
3 HARPER, J. JOHNSON, MOOD, COCCHIARELLA, GILLAN, SQUIRES, STOVALL, ELLINGSON

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT ~~ELIMINATING A~~ REVISING THE PROVISION ALLOWING THE  
6 LANDLORD OF A MOBILE HOME PARK TO TERMINATE A RENTAL AGREEMENT IF A TENANT HAS  
7 VIOLATED THE SAME RULE OF THE PARK TWO OR MORE TIMES WITHIN A 12-MONTH PERIOD;  
8 INCREASING THE NUMBER OF VIOLATIONS THAT ALLOW TERMINATION FROM TWO TO FOUR IN A  
9 12-MONTH PERIOD; AND AMENDING SECTION 70-24-436, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 **Section 1.** Section 70-24-436, MCA, is amended to read:

14 **"70-24-436. Mobile home parks -- grounds for termination of rental agreement.** (1) A landlord of  
15 a mobile home park may terminate a rental agreement only by following the procedure set forth in  
16 70-24-422, except as specifically provided in this section, and only for one or more of the following  
17 reasons:

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

20 (b) late payment of rent, late charges, or common area maintenance fees as established in the  
21 rental agreement three or more times within a 12-month period if written notice is given by the landlord  
22 after each failure to pay, as required by 70-24-422. For this subsection (1)(b), the notice period referred  
23 to in 70-24-422(1) is 30 days.

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

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

30 ~~(e) two or more violations within a 12-month period of the same rule. For this subsection (1)(e),~~

1 the notice period referred to in 70-24-422(1) is 60 days.

2 (E) FOUR OR MORE VIOLATIONS WITHIN A 12-MONTH PERIOD OF THE SAME RULE. FOR THIS  
 3 SUBSECTION (1)(E), THE NOTICE PERIOD REFERRED TO IN 70-24-422(1) IS 60 DAYS.

4 ~~(f)(F)~~ two or more violations of 70-24-321(1) within a 12-month period or any violation of  
 5 70-24-321(2);

6 ~~(g)(G)~~ disorderly conduct that results in disruption of the rights of others to the peaceful  
 7 enjoyment and use of the premises. For this subsection ~~(1)(g)~~ ~~(1)(f)~~ (1)(G), the notice period referred to in  
 8 70-24-422(1) is 30 days.

9 ~~(h)(H)~~ endangers endangering other residents or mobile home park personnel; or ~~causes~~ causing  
 10 substantial damage to the mobile home park premises;

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

15 ~~(j)(J)~~ changes in the use of the land if the requirements of subsection (2) are met. For this  
 16 subsection ~~(1)(j)~~ ~~(1)(i)~~ (1)(J), the notice period referred to in 70-24-422(1) is 180 days.

17 ~~(k)(K)~~ a legitimate business reason, provided that the landlord meets the following requirements:

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

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

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

24 (a) The landlord shall give the mobile home owner and a tenant of the mobile home owner at least  
 25 15 days' written notice that the landlord will be appearing before a unit of local government to request  
 26 permits for a change of use of the mobile home park.

27 (b) After all required permits requesting a change of use have been approved by the unit of local  
 28 government, the landlord shall give the mobile home owner and a tenant of the mobile home owner 6  
 29 months' written notice of termination of tenancy. If the change of use does not require local government  
 30 permits, the landlord shall give the written notice at least 6 months prior to the change of use. In the

1 notice, the landlord shall disclose and describe in detail the nature of the change of use.

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

6 (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~~ for each violation per month may be included in the calculation."

8

-END-