

1 HOUSE BILL NO. 731
2 INTRODUCED BY S. GALLOWAY, E. BUTTREY, J. READ, E. BUTCHER, M. NOLAND, L. SHELDON-
3 GALLOWAY, M. HOPKINS, B. PHALEN, F. NAVE, L. BREWSTER, S. GIST, K. SEEKINS-CROWE, R.
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5
6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE RESIDENTIAL LANDLORD AND
7 TENANT ACT; ~~REMOVING THE EXCLUSION FOR OCCUPANCY CONDITIONAL ON EMPLOYMENT ON~~
8 ~~THE PREMISES~~; REMOVING PROVISIONS REGARDING THE SALE OF ABANDONED PERSONAL
9 PROPERTY; AMENDING ~~SECTIONS 70-24-104 AND SECTION~~ 70-24-430, MCA; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE."

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

13
14 **Section 1.** Section 70-24-104, MCA, is amended to read:
15 ~~"70-24-104. Exclusions from application of chapter. Unless created to avoid the application of this~~
16 ~~chapter, the following arrangements are not governed by this chapter:~~
17 (1) ~~residence at a public or private institution if incidental to detention or the provision of medical,~~
18 ~~geriatric, educational, counseling, religious, or similar service, including all housing provided by the Montana~~
19 ~~university system and other postsecondary institutions;~~
20 (2) ~~occupancy under a contract of sale of a dwelling unit or the property of which it is a part if the~~
21 ~~occupant is the purchaser or a person who succeeds to the purchaser's interest;~~
22 (3) ~~occupancy by a member of a fraternal or social organization in the portion of a structure~~
23 ~~operated for the benefit of the organization;~~
24 (4) ~~transient occupancy in a hotel or motel;~~
25 (5) ~~occupancy by an owner of a condominium unit or a holder of a proprietary lease in a~~
26 ~~cooperative;~~
27 (6) ~~occupancy under a rental agreement covering premises used by the occupant primarily for~~

Amendment - 1st Reading/2nd House-blue - Requested by: Jeremy Trebas - (S) Local Government

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Drafter: Toni Henneman, 406-444-3593

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1 ~~commercial or agricultural purposes;~~

2 ~~(7) — occupancy by an employee of a landlord whose right to occupancy is conditional upon on~~

3 ~~employment in and about the premises; and~~

4 ~~(8) — occupancy outside a municipality under a rental agreement that includes hunting, fishing, or~~

5 ~~agricultural privileges, along with the use of the dwelling unit."~~

6

7 **Section 1.** Section 70-24-430, MCA, is amended to read:

8 **"70-24-430. Disposition of personal property abandoned by tenant after termination.** (1) (a) If a

9 tenancy terminates by court order, the personal property is considered abandoned and the landlord may

10 immediately dispose of the personal property as allowed by law.

11 (b) If a tenancy terminates in any manner other than by court order and the landlord has clear and

12 convincing evidence that the tenant has abandoned all personal property that the tenant has left on the

13 premises and a period of time of at least 48 hours has elapsed since the landlord obtained that evidence, the

14 landlord may immediately remove the abandoned property from the premises and immediately dispose of any

15 trash or personal property that is hazardous, perishable, or valueless.

16 (c) An item that is clearly labeled "rent to own" or "leased" or likewise identified may be discarded

17 only with confirmation from the lessor that the item does not have a lien, provided that the lessor can be easily

18 identified from the label and the landlord makes a reasonable effort to contact the lessor.

19 (d) For the purposes of this subsection (1), the following definitions apply:

20 (i) "Hazardous" means an item that is potentially or actually flammable or a biohazard or an item

21 otherwise capable of inflicting personal harm or injury.

22 (ii) "Perishable" means any item requiring refrigeration or any food item with a marked expiration

23 date.

24 (iii) "Valueless" means any item that has an insubstantial resale value but does not include

25 personal photos, jewelry, or other small items that are irreplaceable.

26 (2) The landlord shall inventory and store all abandoned personal property of the tenant that the

27 landlord reasonably believes is valuable in a place of safekeeping and shall exercise reasonable care for the