HOUSE BILL NO. 427

INTRODUCED BY K. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY OR A LOCAL BUILDING DEPARTMENT TO PROVIDE THE TEXT OR CITATION OF THE SPECIFIC SECTIONS OF THE BUILDING CODE RELIED ON TO DELAY A PERMIT APPLICATION OR STOP A CONSTRUCTION PROJECT; PROVIDING A REMEDY; AND CREATING A CAUSE OF ACTION."

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

NEW SECTION. **Section 1. Building code section to be provided -- DEPARTMENT PENALTY.** (1) If the department or local building department delays the issuance of a BUILDING permit BEYOND THE STANDARD REVIEW PERIOD OF A COMPLETE APPLICATION, or stops work on a construction project because of noncompliance with the state building code adopted pursuant to 50-60-203 or a building code adopted by a county, city, or town pursuant to 50-60-301, the person applying for a permit or constructing the project may request in writing or electronically that the department or local building department provide the person with the text or citation of the specific sections of the building code applicable to the permit application or construction project that the department or local building department is relying on to cause the delay of the permit application or the stoppage of the construction project.

(2) IF A PROJECT ALSO REQUIRES ZONING, SUBDIVISION, OR OTHER APPROVAL, THE DEPARTMENT OR LOCAL BUILDING DEPARTMENT MAY REQUIRE THOSE REVIEWS TO BE COMPLETED BEFORE DETERMINING A BUILDING APPLICATION IS COMPLETE.

~~(2)~~(3) The department or local building department shall provide the text or citations requested under subsection (1) within 7 ~~calendar~~ BUSINESS days.

~~(3) Failure to provide the text or citation of the specific sections of the building code applicable to the permit application or the construction project that the department or local building department is relying on to cause the delay of the permit application or the stoppage of the construction project within 7 calendar~~ BUSINESS ~~days waives the application of those sections of the building code to the permit application or the~~

~~construction project.~~

(4) IF THE DEPARTMENT OR LOCAL BUILDING DEPARTMENT DOES NOT RESPOND TO THE REQUEST IN ACCORDANCE WITH SUBSECTION (3), IT SHALL PAY TO THE REQUESTING PARTY A SUM OF $50 FOR EACH DAY BEYOND THE REQUIRED RESPONSE PERIOD UNTIL THE TEXT OR CITATION IS PROVIDED TO THE REQUESTING PARTY.

~~(4)~~(5) (a) A person aggrieved by DELAYS ASSOCIATED WITH the failure to provide the text or citation of the specific sections of the building code AS REQUIRED under subsection (1) may ALSO file a civil action in district court for appropriate relief, including any compensatory damages ~~related to a delay of the permit application or a stoppage of the construction project~~.

(b) ~~A~~ THE prevailing ~~plaintiff~~ PARTY is entitled to reasonable court costs and attorney fees.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 50, chapter 60, part 1, and the provisions of Title 50, chapter 60, part 1, apply to [section 1].

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