

1 HOUSE BILL NO. 187
2 INTRODUCED BY A. BUCKLEY, J. GILLETTE, S. FITZPATRICK
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THAT CHILD CARE IS A RESIDENTIAL USE OF
5 PROPERTY AND A RESIDENTIAL PURPOSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A
6 RETROACTIVE APPLICABILITY DATE, AND AN APPLICABILITY DATE."

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

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10 NEW SECTION. Section 1. Home based child care. Unless the clear and express terms of a
11 covenant provide otherwise, providing child care in a family day-care home as defined in 52-2-703 or a group
12 day-care home as defined in 52-2-703 is a residential use of property and is a residential purpose.

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14 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
15 integral part of Title 70, chapter 17, part 2, and the provisions of Title 70, chapter 17, part 2, apply to [section 1].

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17 NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are
18 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
19 the part remains in effect in all valid applications that are severable from the invalid applications.

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21 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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23 NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the
24 meaning of 1-2-109, to covenants on residential property in existence before [the effective date of this act] that
25 do not clearly and expressly address child care.

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27 NEW SECTION. Section 6. Applicability. [This act] applies to covenants on residential property in
28 existence on or after [the effective date of this act] that do not clearly and expressly address child care.

Amendment - 1st Reading-white - Requested by: Katie Zolnikov - (H) Local Government

68th Legislature

Drafter: Laura Sankey Keip, 406-444-4410

HB0187.001.002

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- END -

AMEND