

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-CLARIFYING~~ THAT CHILD CARE IS A
5 RESIDENTIAL USE OF PROPERTY AND A RESIDENTIAL PURPOSE; AND PROVIDING AN IMMEDIATE
6 EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND AN APPLICABILITY DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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15 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
16 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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18 NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are
19 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
20 the part remains in effect in all valid applications that are severable from the invalid applications.

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

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

27
28 NEW SECTION. Section 6. Applicability. [This act] applies to covenants on residential property ~~in~~

Amendment - 1st Reading-white - Requested by: Larry Brewster - (H) Local Government

68th Legislature

Drafter: Laura Sankey Keip, 406-444-4410

HB0187.001.003

1 ~~existence~~ adopted on or after [the effective date of this act] that do not clearly and expressly address child care.

2 - END -

AMEND