



# 2023 Session

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2021 MCA Montana Landlord – Tenant Act of  
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# 2021 MCA MONTANA LANDLORD - TENANT ACT OF 1977



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# 2021 MONTANA LANDLORD HANDBOOK



This handbook is provided by the

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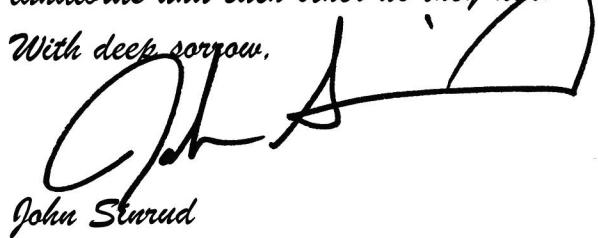
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### *Message from the President.*

The Montana Landlord Handbook is dedicated to all of the volunteers that have spent countless hours working with landlords and tenants over the past year and beyond. The landlords were very successful in the 2021 Legislative Session with the passage of 4 major pieces of legislation. We would like to thank the 2021 Legislators and the Governor for listening to our concerns and passing these 4 bills. I would also like to dedicate this Handbook to two very special people that have supported this organization for decades. In January of 2021 we lost our former President and great Champion of Landlords, Mr. Rick Linafelter. Over the decades we became fast friends and companions. Rick was a great resource and a staunch supporter for all landlords and worked tirelessly on our behalf even up to the time of his passing. He is and will always be sorely missed. The other great supporter and Champion for the landlord cause was LaVonne Martin. LaVonne passed away in September of 2021 and was the sitting Eastern Vice President and President of the Billings Chapter. There are no words to describe what a wonderful person LaVonne was and how she stood up and fought for landlords' rights in Montana. LaVonne was a kind and generous landlord and cared about and helped all of her tenants when in need. The loss of Rick and LaVonne will be felt throughout our organization and I hope that we all can pick up the pieces and support landlords and each other as they did.

*With deep sorrow,*



John Starud

# MONTANA RESIDENTIAL LANDLORD

## AND TENANT ACT OF 1977:

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## **INTRODUCTION**

The purpose of this handbook is to provide the landlord and tenant with the basic statutory laws of Montana, controlling landlord-tenant relations. Neither this handbook nor the forms should be considered a substitute for competent legal advice. However, due to the detailed nature of the Montana Residential Landlord and Tenant Act of 1977 - Montana Residential Mobile Home Lot Rental Act, it is hoped that these statutes will answer many of the questions commonly asked by the landlord and tenant.

It is important to note that the landlord tenant regulations in federally funded housing projects are also controlled by federal regulations adopted by the funding agency. Since these regulations change periodically, current regulations must be obtained from the Federal Government. This does not include private property where tenants receive government assistance.

## **MONTANA LANDLORDS ASSOCIATION FORMS (RESIDENTIAL)**

1. 02.1 Rental Application, Part 1
2. 02.2 Rental Application, Part 2
3. 02.3 Co-Signer Guaranty Form
4. 04.1 Authorization to Release Information
5. 05.1 Rental Agreement
6. 05.2 Lease Addendum-Amendment
7. 05.3 Rental Agreement Rider
8. 05.4 Tenant Drop-Add Form
9. 06.1 Change of Terms-Rent
10. 06.2 Change of Terms-Rules
11. 07.1 Mold Disclosure
12. 07.2 Lead Based Paint Disclosure
13. 07.3 Protect Your Family from Lead in Your Home
14. 07.4 Addendum for Drug-Free Housing
15. 07.5 Radon Disclosure-Optional-Not Required by Law
16. 08.1 Condition of Premises
17. 08.2 Personal Property Abandonment Form
18. 08.3 Required Cleaning Notice
19. 08.4 Statement of Deductions from Security Deposit
20. 09.1 24 Hour Notice to Enter Premises
21. 10.1 Lease Notice Violation (combined into 1 document):

Correctable Notices (Violations a-e):

- a. 3 Day Late Payment for Rent
- b. 3 Day Unauthorized Person
- c. 3 Day Unauthorized Animal
- d. 3 Day Verbal Abuse to Landlord and or Property Manager
- e. 14 Day General Non-Compliance

Non-Correctable Notices (Violations f-h):

- f. 5 Day Notice for Second Violation of a Correctable Notice
- g. 3 Day Notice for Potential Damage to Rental Unit
- h. 3 Day Notice for Potential Damage to Rental Unit or Illegal activity

- 22. 11.1 30 Day Notice to Terminate Rental Agreement
- 23. 11.2 Tenant's 30 Day Notice to Terminate Rental Agreement
- 24. 12.1 Tenant's Inspection Request Form
- 25. 13.1 Reasonable Accommodation Policy
- 26. 13.2 Suggested Animal Policy

## **MONTANA LANDLORDS ASSOCIATION FORMS (LOT RENTAL)**

- 1. 02.1 Rental Application, Part 1
- 2. 02.2 Rental Application, Part 2
- 3. 02.3 Co-Signer Guaranty Form
- 4. 04.1 Authorization to Release Information
- 5. 05.1 Rental Agreement Month to Month
- 6. 05.2 Lease Addendum-Amendment
- 7. 05.3 Rental Agreement Rider
- 8. 05.4 Tenant Drop-Add Form
- 9. 06.1 Change of Terms-Rent
- 10. 06.2 Change of Terms-Rules
- 11. 07.1 Mold Disclosure
- 12. 07.2 Addendum for Drug-Free Housing
- 13. 07.3 Radon Disclosure-Optional-Not Required by Law
- 14. 08.1 Lot Condition Checklist
- 15. 08.2 Personal Property Abandonment Form
- 16. 08.3 Required Cleaning Notice
- 17. 08.4 Statement of Deductions from Security Deposit
- 18. 09.1 24 Hour Notice to Enter Premises
- 19. 10.1 Lease Notice Violation (combined into 1 document):

Correctable Notices (Violations a-d):

- a. 24 Hour Rule Violation for Immediate Threat to Health and Safety
- b. 7 Day Late Payment for Rent
- c. 14 Day Rule Violation
- d. 14 Day Violation of 70-33-321(1) Tenant to Maintain Lot

Non-Correctable Notices (Violations e-m):

- e. 3 Day Notice for Reasonable Potential that the Premises maybe Damaged or Tenant/landlord injured evidenced by arrest or charge 70-33-321(4), 70-33-422(2)
- f. 3 Day Notice for Destroying, Defacing, Damage, Impairing or Removing any part of the Premises in violation of 70-33-321(3), 70-33-422(1)
- g. 7 Day Notice for disorderly conduct 70-33-433(1)(i)
- h. 14 Day Notice for 2<sup>nd</sup> Violation of Immediate Threat to Health and Safety
- i. 14 Day Notice for 2<sup>nd</sup> Violation of Notice "d" above in a 6 month period
- j. 14 Day Notice for Violations other than any above violations that endangers tenants/landlord or causes substantial damage to premises
- k. 14 Day Notice for Conviction or Landlord documentation of dangerous drugs or laws effecting health, safety or welfare of other tenants/landlord violation
- l. 30 Day Notice: 3<sup>rd</sup> Violation of Non-Payment of rent in 12 month period
- m. 30 Day Notice for 2<sup>nd</sup> Violation of Notices, "a, b and c" above in 6 month period

- 20. 11.1 30 Day Notice to Terminate Rental Agreement
- 21. 12.1 Tenant's Inspection Request Form
- 22. 13.1 Reasonable Accommodation Policy
- 23. 13.2 Suggested Animal Policy