



## **2023 Session**

### **Exhibit 1**

This exhibit is a booklet titled,  
*2021 MCA Montana Landlord – Tenant Act of*  
*1977*

The cover and table of context have been scanned to assist you in your research. You can contact the Montana Historical Society to view this exhibit.

# 2021 MCA MONTANA LANDLORD - TENANT ACT OF 1977



TM

**For use by Montana Landlords Association Members Or  
Authorized Non-Members Only**

**Reproduction By Written Authorization Only**

© 2021 Montana Landlords Association

# 2021 MONTANA LANDLORD HANDBOOK



This handbook is provided by the

**MONTANA LANDLORDS  
ASSOCIATION, INC.**

**701 30th Street South  
Great Falls, MT 59405**

<sup>TM</sup> Email: [MontanaLandlords@gmail.com](mailto:MontanaLandlords@gmail.com)

Phone: 406-219-1121

## State and Chapter Leaders:

### *STATE EXECUTIVE BOARD*

President..... John Sinrud  
Eastern Vice President... Sharon Lodge  
Western Vice President... Robert Smaus  
Treasurer..... Rachel Anderson  
Secretary..... Carolyn Campbell

BILLINGS CHAPTER	GREAT FALLS CHAPTER
President – Gary Whitney	President - Bill Brainard
Vice President - Lou Anne Jones	Vice President
BITTERROOT VALLEY CHAPTER	HELENA CHAPTER
President - Robert Smaus	President - William Staffeldt
Vice President - Kristine Duggan	Vice President - Dennis Keaster
BOZEMAN CHAPTER	LEWISTOWN CHAPTER
President - Sharon Lodge	President - Ross Butcher
Vice President - Dave Anderson	Vice President - Lonny Bergstrom
DILLON/BUTTE CHAPTER	MISSOULA CHAPTER
President - Jim McIsaac	President -
Vice President - Jim Gross	Vice President - Ken Matthiesen
FLATHEAD CHAPTER	
President - John Sinrud	
Vice President -	

The Montana Landlords Association, Inc. and its members follow all applicable FAIR Housing and ADA rules/laws as well as all State of Montana applicable laws.

**\*\*This handbook is to provide information to members of the Montana Landlords Association only. While we try to be accurate, we assume no responsibility or liability for loss or damages if you rely solely on the information contained herein. Questions regarding legal matters, interpretation of law, accounting problems or other subjects of a technical nature should be referred to and answers sought from competent counsel.\*\***

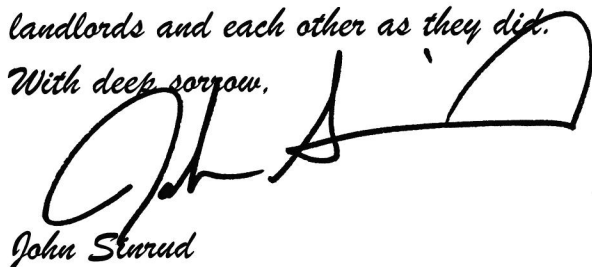
## TABLE OF CONTENTS

TITLE	PAGE #
Introduction.....	07
Residential Forms (70-24, (MCA).....	07
Lot Rental Forms (70-33, MCA).....	08
Rental Agreement Information.....	09
Security Deposit Information.....	09
Statement of Condition Instructions at the beginning of Lease.....	10
Instructions to Settle Security Deposit with Tenant.....	10/11
Giving Notice.....	11
Montana Residential Landlord/Tenant Act of 1977 (70-24, MCA).....	12
Residential Tenants' Security Deposit (70-25, MCA).....	29
Montana Residential Mobile Home Lot Rental Act (70-33, MCA).....	32
Additional Law, Residential/Commercial (70-26, MCA), Criminal Mischief (45-6-101, 106, MCA),	
Housing Discrimination Information, Bad Check Law (27-1-717 MCA), Military Member Laws...	48
Fair Housing-ADA Question and Answers from HUD and DOJ.....	55

### *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 LaVonnie Martin. LaVonnie 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 LaVonnie was and how she stood up and fought for landlords' rights in Montana. LaVonnie was a kind and generous landlord and cared about and helped all of her tenants when in need. The loss of Rick and LaVonnie 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 Sturud*

**MONTANA RESIDENTIAL LANDLORD**  
**AND TENANT ACT OF 1977:**  
**70-24-PART 1, PART 2; PART 3 and PART 4, (MCA)**

**GENERAL PROVISIONS BETWEEN LANDLORDS AND TENANTS**

<b>Part 1 - General Provisions .....</b>	<b>12</b>
70-24-101 Short title	
70-24-102 Purposes -- liberal construction to promote	
70-24-103 General definitions	
70-24-104 Exclusions from application of chapter	
70-24-105 Supplementary principles of law applicable	
70-24-106 Construction against implicit repeal	
70-24-107 Territorial application	
70-24-108 What constitutes notice	
70-24-109 Obligation of good faith	
70-24-110 Landlords and tenants -- no firearm prohibition allowed	
70-24-111 Notice of no contact	
70-24-112 Application of security deposit laws	
70-24-113 Removal of unauthorized person or trespasser	

**TERMS AND PROVISIONS OF A RENTAL/LEASE AGREEMENT**

<b>Part 2 - Rental Agreements.....</b>	<b>15</b>
70-24-201 Rental agreement -- terms and conditions	
70-24-202 Prohibited provisions in rental agreements	
70-24-203 Agreement not to permit receipt of rent free of obligation	
70-24-204 Effect of unsigned or undelivered rental agreement	
70-24-205 Extension of written rental agreements	

**LANDLORD AND TENANT RESPONSIBILITIES FOR RENTAL UNIT**

<b>Part 3 - Rights and Duties of the Parties .....</b>	<b>16</b>
70-24-301 Duty to disclose name of person responsible	
70-24-302 Landlord to deliver possession of dwelling unit	
70-24-303 Landlord to maintain premises -- agreement that tenant perform duties -- limitation of landlord's liability for failure of smoke detector or carbon monoxide detector	
70-24-304 Transfer of premises or termination of management -- relief from liability	
70-24-305 Transfer of premises by tenant	
70-24-306 through 70-24-310 reserved	
70-24-311 Landlord authorized to adopt rules	
70-24-312 Access to premises by landlord	
70-24-313 Repealed	
70-24-314 Resident associations -- meetings	
70-24-315 Repealed	
70-24-316 through 70-24-320 reserved	
70-24-321 Tenant to maintain dwelling unit	
70-24-322 Tenant to occupy as dwelling unit only -- extended absence	



**BREACH OF LAW, CONTRACT OR RULES, REMEDIES FOR LANDLORD AND TENANT**

<b>Part 4 – Remedies</b> .....	21
70-24-401 Administration of remedies -- enforcement	
70-24-402 Settlement of disputed claim or right	
70-24-403 Prohibited provision in rental agreement -- unenforceability -- damages	
70-24-404 Unconscionability -- court discretion to refuse enforcement	
70-24-405 Failure of landlord to deliver possession -- tenant's remedies	
70-24-406 Failure of landlord to maintain premises -- tenant's remedies	
70-24-407 Damages for minor violations by landlord	
70-24-408 Purposeful or negligent failure to provide essential services -- tenant's remedies	
70-24-409 Fire or casualty damage -- rights of tenant	
70-24-410 Unlawful or unreasonable entry by landlord -- tenant's remedies	
70-24-411 Unlawful ouster, exclusion, or diminution of service -- tenant's remedies	
70-24-412 through 70-24-420 reserved	
70-24-421 Action for nonpayment of rent -- tenant's counterclaim	
70-24-422 Noncompliance of tenant generally -- landlord's right of termination -- damages -- injunction	
70-24-423 Waiver of landlord's right to terminate for breach	
70-24-424 Refusal of access -- landlord's remedies	
70-24-425 Failure of tenant to maintain dwelling -- landlord's right to enter and repair	
70-24-426 Remedies for absence or abandonment	
70-24-427 Landlord's remedies after termination -- action for possession	
70-24-428 Landlord's recovery of possession limited	
70-24-429 Holdover remedies -- consent to continued occupancy -- tenant's response to service in action for possession	
70-24-430 Disposition of personal property abandoned by tenant after termination	
70-24-431 Retaliatory conduct by landlord prohibited	
70-24-432 Repealed	
70-24-433 through 70-24-435 reserved	
70-24-436 Repealed	
70-24-437 through 70-24-440 reserved	
70-24-441 Termination by landlord or tenant	
70-24-442 Attorney fees -- costs	

**RESIDENTIAL TENANTS' SECURITY DEPOSITS:**

**70-25-PART 1 and PART 2, (MCA)**

**MONTANA RESIDENTIAL TENANTS' SECURITY DEPOSITS**

<b>Part 1 - General Provisions</b> .....	29
70-25-101. Definitions	
70-25-102. Application of chapter	
70-25-103. Waivers and contrary provisions invalid	
<b>Part 2 - Rights and Duties</b> .....	30
70-25-201. Security deposit -- deductions authorized therefrom	
70-25-202. List of damages and refund -- delivery to departing tenant	
70-25-203. Failure to provide list -- forfeit of deduction rights	
70-25-204. Wrongful withholding of security deposit -- action	
70-25-205. Failure of departing tenant to furnish new address	
70-25-206. Landlord to furnish statement of condition of premises at beginning of lease	

**MONTANA RESIDENTIAL MOBILE HOME LOT RENTAL ACT:**  
**70-33-PART 1, PART 2, PART 3, and PART 4, (MCA)**

**GENERAL PROVISIONS BETWEEN LANDLORDS AND TENANTS**

<b>Part 1 - General Provisions .....</b>	<b>32</b>
70-33-101 Short title	
70-33-102 Purpose -- liberal construction	
70-33-103 Definitions	
70-33-104 Applicability	
70-33-105 Supplementary principles of law	
70-33-106 Notice	
70-33-107 Obligation of good faith	
70-33-108 Notice of no contact	
70-33-109 Application of security deposit laws	

**TERMS AND PROVISIONS OF A RENTAL/LEASE AGREEMENT**

<b>Part 2 - Rental Agreements .....</b>	<b>35</b>
70-33-201. Rental Agreements	
70-33-202. Prohibited provisions in rental agreements	
70-33-203. Effect of unsigned or undelivered rental agreement	

**LANDLORD AND TENANT RESPONSIBILITIES FOR RENTAL LOT**

<b>Part 3 - Rights and Duties of the Parties .....</b>	<b>35</b>
70-33-301 Duty to disclose name of person responsible	
70-33-302 Landlord to deliver possession of premises	
70-33-303 Landlord to maintain premises -- agreement that tenant perform duties	
70-33-304 Transfer of premises or termination of management -- relief from liability	
70-33-305 Transfer of premises by tenant	
70-33-306 through 70-33-310 reserved	
70-33-311 Landlord authorized to adopt rules	
70-33-312 Access to premises by landlord	
70-33-313 Lot rules	
70-33-314 Resident associations -- meetings	
70-33-315 Road maintenance obligations	
70-33-316 through 70-33-320 reserved	
70-33-321 Tenant to maintain lot	
70-33-322 Notice of extended absence	

**BREACH OF LAW, CONTRACT OR RULES:**  
**REMEDIES FOR LANDLORD AND TENANT**

<b>Part 4 - Remedies .....</b>	<b>39</b>
70-33-401 Administration of remedies -- enforcement -- agreement	
70-33-402 Prohibited provisions -- damages	
70-33-403 Unconscionability -- court discretion	
70-33-404 Landlord's failure to deliver premises -- tenant's remedies	
70-33-405 Landlord's failure to maintain premises -- tenant's remedies	
70-33-406 Landlord's failure to provide essential services -- tenant's remedies	

- 70-33-407 Fire or casualty damage -- rights and obligations of tenant
- 70-33-408 Unlawful or unreasonable entry by landlord -- tenant's remedies
- 70-33-409 Unlawful ouster, exclusion, or diminution of services -- tenant's remedies
- 70-33-410 Action for nonpayment of rent -- tenant's counterclaim
- 70-33-411 through 70-33-421 reserved
- 70-33-422 Noncompliance of tenant generally -- landlord's right of termination -- damages --  
injunction
- 70-33-423 Waiver of landlord's right to termination
- 70-33-424 Refusal of access -- landlord's remedies
- 70-33-425 Tenant's failure to maintain lot -- landlord's right to enter and repair
- 70-33-426 Remedies for absence or abandonment
- 70-33-427 Landlord's remedies after termination -- action for possession
- 70-33-428 Landlord's recovery of possession limited
- 70-33-429 Holdover remedies -- consent to continued occupancy
- 70-33-430 Disposition of abandoned personal property
- 70-33-431 Retaliatory conduct by landlord prohibited
- 70-33-432 Disposition of abandoned mobile home
- 70-33-433 Grounds for termination of rental agreement
- 70-33-434 Attorney fees -- costs

## **LANDLORD AND TENANT RESIDENTIAL AND COMMERCIAL** **(Additional General Laws Governing Residential/Commercial Leases)**

### **Part 1 – Residential and Commercial ..... 48**

- 70-26-101 Letting of parts of rooms prohibited
- 70-26-102 Transferee of rental property to have same rights as transferor
- 70-26-103 Attornment of tenant to stranger void
- 70-26-104 Notice of action by third person served on tenant -- duty to inform landlord
- 70-26-105 Assignee of lessee -- remedies of lessor against
- 70-26-106 Rights of lessee and assignees against lessor and assignees
- 70-26-107 Remedy for rent on lease for life
- 70-26-108 Rent dependent on life -- recovery
- 70-26-109 Change of lease terms by notice
- 70-26-110 Lease of city lot for over 75 years void

### **Part 2 –Commercial .....50**

- 70-26-201 Term of lease when none specified
- 70-26-202 Rent -- when payable
- 70-26-203 Failure of lessor to repair -- lessee's remedies
- 70-26-204 Renewal of lease by lessee's continued possession
- 70-26-205 Notice required to terminate lease
- 70-26-206 Rights of tenant for years or at will
- 70-26-207 Repealed

### **CRIMINAL MISCHIEF TO RENTAL PROPERTIES ..... 51**

- 45-6-101. Criminal mischief.
- 45-6-106. Criminal mischief damage to rental property.

### **HOUSING DISCRIMINATION..... 52**

### **BAD CHECK LAW .....53**

- 27-1-717. Issuing a bad check, draft, converted check, electronic funds transfer, or order or stopping  
payment -- civil liability -- statute of limitations



Generally

Right to terminate leases early

Evictions

## **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