

1 HOUSE BILL NO. 873

2 INTRODUCED BY G. NIKOLAKAKOS, J. TREBAS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MOBILE HOME

5 PARKS; ESTABLISHING A MOBILE HOME PARK EMERGENCY RELOCATION ACCOUNT; PROVIDING

6 THAT TENANTS WHO ARE REQUIRED TO MOVE DUE TO A CHANGE IN USE OF THE MOBILE HOME

7 PARK MAY RECEIVE FUNDING FOR RELOCATION COSTS; ALLOWING FOR A PERSONAL PROPERTY

8 ASSESSMENT ON MOBILE HOMES; REVISING THE ALLOCATION OF REVENUE COLLECTED FROM

9 CAMPGROUND AND TRAILER COURT LICENSE FEES; PROVIDING RULEMAKING AUTHORITY;

10 PROVIDING A STATUTORY APPROPRIATION; PROVIDING AN APPROPRIATION; AMENDING SECTIONS

11 17-7-502, 50-52-202, AND 70-33-103, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION

12 DATE."

13

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

15

16 **NEW SECTION. Section 1. Mobile home park change of use -- compensation of moving**

17 **expenses -- applicability.** (1) (a) If a landlord plans to change the use of all or part of a mobile home park, the

18 landlord shall follow the process provided for in 70-33-433(2).

19 (b) The landlord shall inform all tenants in writing of the mobile home park emergency relocation

20 account established in [section 3].

21 (2) If a tenant is required to move due to a change in use or redevelopment of a mobile home park,

22 the tenant may:

23 (a) collect payment from the mobile home park emergency relocation account for the lesser of

24 actual moving expenses of relocating the mobile home to a new location that is within a 100-mile radius of the

25 vacated mobile home park or the maximum of \$10,000 for a single section mobile home or \$15,000 for a

26 multisection mobile home. Moving expenses include the cost of stabilizing, taking down, moving, and setting up

27 the mobile home in the new location.

28 (b) abandon the mobile home in the mobile home park and collect an amount equal to 50% of the

1 maximum allowable moving expense for that mobile home from the mobile home park emergency relocation
2 account. To qualify for abandonment payment pursuant to this subsection (2)(b), the tenant shall deliver to the
3 landlord the current title to the mobile home with the notarized endorsement of the owner of record or a
4 notarized ownership change request form if the title does not exist with complete releases of all liens that are
5 shown on the title and proof that all taxes owing on the mobile home have been paid to date. The tenant shall
6 provide a copy of these documents to the department in support of the tenant's application for payment.

7 (3) If a tenant is vacating the premises and has informed the landlord before the change-in-use
8 notice has been given, the tenant is not eligible for compensation under this section.

9 (4) A person who purchases a mobile home already situated in a park or moves a mobile home
10 into a park in which a change in use notice has been given is not eligible for compensation under this section.

11 (5) This section does not apply to a change in use if the landlord moves a tenant to another space
12 in the mobile home park at the landlord's expense.

13 (6) The department may contract with a nonprofit entity to administer funds allowed under this
14 section and may collect an administrative fee of up to 10% of the funds distributed to the nonprofit entity.

15 (7) The department shall promulgate rules necessary to administer and enforce this section.
16

17 **NEW SECTION. Section 2. Assessment for mobile home park emergency relocation account --**
18 **waiver.** (1) Each owner of a mobile home located in a mobile home park who does not own the land on which
19 the mobile home is located shall pay each year to the state an assessment equal to a rate of \$1.50 for each
20 \$100 of the taxable value of the mobile home for each mobile home the person owns.

21 (2) The county treasurer shall collect the assessment imposed under this section at the same time
22 and in the same manner as personal property taxes. The county treasurer shall separately list the assessment
23 on the tax bill and shall transfer the revenue collected to the state for deposit in the mobile home park
24 emergency relocation account established in [section 3].

25 (3) The department of revenue shall:

26 (a) notify the county treasurers to waive the assessment for any year in which the amount in the
27 account established in [section 3] exceeds \$1 million; and

28 (b) if, at the end of a fiscal year, the amount of money in the account established in [section 3] is

1 less than \$500,000, shall notify the county treasurers to reinstate the assessment prescribed by this section.

2

3 **NEW SECTION. Section 3. Mobile home park emergency relocation account.** (1) (a) There is a
4 special revenue account within the state special revenue fund established in 17-2-102 called the mobile home
5 park emergency relocation account to aid mobile home owners who rent a mobile home lot and are required to
6 relocate as provided for in [section 1].

7 (b) There must be deposited in the account:

8 (i) all monetary contributions, gifts, and donations received from public or private sources;

9 (ii) all revenue collected from assessments pursuant to [section 2]; and

10 (iii) all revenue collected from license fees pursuant to 50-52-202.

11 (c) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department of
12 commerce and may be used only for those purposes provided in this section.

13 (2) Money may be released from the special revenue account to:

14 (a) eligible tenants meeting the requirements of [section 1]; or

15 (b) with agreement from the tenant or tenants, any individual or organization that applies for
16 relocation assistance from the account who intends to use the funds in combination with public or private
17 sources.

18

19 **Section 4.** Section 17-7-502, MCA, is amended to read:

20 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory

21 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
22 the need for a biennial legislative appropriation or budget amendment.

23 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with
24 both of the following provisions:

25 (a) The law containing the statutory authority must be listed in subsection (3).

26 (b) The law or portion of the law making a statutory appropriation must specifically state that a
27 statutory appropriation is made as provided in this section.

28 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-

11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; [section 3]; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027;

pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

Section 5. Section 50-52-202, MCA, is amended to read:

"50-52-202. License fee -- late fee. (1) (a) Each application for a new license required under 50-52-103 or a license renewal must be accompanied by a fee as provided in subsection (1)(b).

(b) License fees are:

(i) ~~\$40~~ \$75 annually for a campground or trailer court with no more than 10 spaces available for rental;

(ii) ~~\$60~~ \$110 annually for a campground or trailer court with more than 10 but not more than 25 spaces available for rental; and

(iii) ~~\$120~~ \$225 annually for a campground or trailer court with more than 25 spaces available for rental.

(2) Of the fees collected under subsection (1), the department shall deposit ~~85%~~ 75% into the local

board inspection fund account created in 50-2-108, ~~11.25% into the general fund~~ 21.25% into the mobile home park emergency relocation account created in [section 3], and 3.75% into the account provided for in 50-52-210.

(3) (a) In addition to the license renewal fee required under subsection (1), the department shall collect a late fee of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's current license and who operates an establishment governed by this part in the next licensing year.

(b) The late fee must be deposited in the account provided for in 50-52-210."

Section 6. Section 70-33-103, MCA, is amended to read:

"70-33-103. Definitions. Unless the context clearly requires otherwise, in this chapter, the following definitions apply:

(1) "Abandon" means to give up possession of the premises unless the landlord does not accept abandonment or surrender as provided in 70-33-426 or unless the rental agreement has been terminated as provided by law.

(2) "Action" includes recoupment, counterclaim, setoff suit in equity, and any other proceeding in which rights are determined, including an action for possession.

(3) "Actual and reasonable cost" means the actual amount of expenses and labor incurred or expended and the reasonable amount of expenses and labor estimated to be incurred or expended.

(4) "Case of emergency" means an extraordinary occurrence beyond the tenant's control requiring immediate action to protect the premises or the tenant. A case of emergency may include the interruption of essential services, including electricity, gas, running water, and sewer and septic system service, or life-threatening events in which the tenant or landlord has reasonable apprehension of immediate danger to the tenant or others.

(5) "Court" means the appropriate district court, small claims court, justice's court, or city court.

(6) "Department" means the department of commerce.

~~(6)(7)~~ "Good faith" means honesty in fact in the conduct of the transaction concerned.

~~(7)(8)~~ "Landlord" means:

- 1 (a) the owner of:
- 2 (i) space or land, including a lot, that is rented to a tenant for a mobile home; or
- 3 (ii) a mobile home park;
- 4 (b) a person who has written authorization from the owner to act as the owner's agent or assignee
- 5 for purposes related to the premises or the rental agreement;
- 6 (c) a manager of the premises who fails to disclose the managerial position; or
- 7 (d) a lessor who has written authorization from the owner of the premises to sublease the
- 8 premises.

9 ~~(8)~~(9) "Lot" means the space or land rented and not a mobile home itself.

10 ~~(9)~~(10) "Mobile home" has the same meaning as provided in 15-1-101 and includes manufactured

11 homes as defined in 15-1-101.

12 ~~(10)~~(11) "Mobile home owner" means the owner of a mobile home entitled under a rental agreement to

13 occupy a lot.

14 ~~(11)~~(12) "Mobile home park" means a trailer court as defined in 50-52-101.

15 ~~(12)~~ (13) "Multisection mobile home" means a mobile home that is built and transported in multiple units

16 or components that are joined together at the homesite.

17 ~~(12)~~(14) "Organization" includes a corporation, government, governmental subdivision or agency,

18 business trust, estate, trust, partnership, association, two or more persons having a joint or common interest,

19 and any other legal or commercial entity.

20 ~~(13)~~(15) "Person" includes an individual or organization.

21 ~~(14)~~(16) "Premises" means a lot and the grounds, areas, and facilities held out for the use of tenants

22 generally or promised for the use of a tenant.

23 ~~(15)~~(17) "Rent" means all payments to be made to a landlord, including rent, late fees, or other charges

24 as agreed on in the rental agreement, except money paid as a security deposit.

25 ~~(16)~~(18) "Rental agreement" means all agreements, written or oral, and valid rules adopted under 70-

26 33-311 embodying the terms and conditions concerning the use and occupancy of the premises.

27 ~~(17)~~ (19) "Single section mobile home" means a mobile home that is built as a single unit and

28 transported to the homesite as a whole.

1 ~~(17)~~(20)"Tenant" means:

2 (a) a person entitled under a rental agreement to occupy a lot to the exclusion of others; or

3 (b) a person who, with the written approval of the landlord and pursuant to the rental agreement,
4 has a sublease agreement with the person who is entitled to occupy the dwelling unit under the rental
5 agreement.

6 ~~(18)~~(21)"Unauthorized person or trespasser" means a person who:

7 (a) enters or remains after being asked to leave by the landlord and does not receive written
8 permission by the landlord to remain on the premises;

9 (b) is in violation of 45-6-201;

10 (c) is in violation of 45-6-203; or

11 (d) is in violation of 70-27-102."

12

13 NEW SECTION. Section 7. Appropriation. There is appropriated \$500,000 from the general fund to
14 the account established in [section 3] for the biennium beginning July 1, 2025.

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16 NEW SECTION. Section 8. Codification instruction. [Sections 1 through 3] are intended to be
17 codified as an integral part of Title 70, chapter 33, and the provisions of Title 70, chapter 33, apply to [sections
18 1 through 3].

19

20 NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 2025.

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22 NEW SECTION. Section 10. Termination. [This act] terminates June 30, 2029.

23

- END -