

HOUSE BILL NO. 200

INTRODUCED BY D. FERN, F. GARNER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING SHARED EQUITY PROPERTIES; PROVIDING THAT A COMMUNITY LAND TRUST IS NOT A CONDOMINIUM WITHIN THE MEANING OF THE UNIT OWNERSHIP ACT; DEFINING "COMMUNITY LAND TRUST"; AMENDING SECTION 70-23-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 70-23-102, MCA, is amended to read:

"70-23-102. Definitions. In this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Association of unit owners" means all the unit owners acting as a group in accordance with the declaration and bylaws.

(2) "Building" means a multiple-unit building or buildings comprising a part of the property.

(3) "Common elements" means the general common elements and the limited common elements.

(4) "Common expenses" means:

(a) expenses of administration, maintenance, repair, or replacement of the common elements;

(b) expenses agreed upon as common by all the unit owners; and

(c) expenses declared common by 70-23-610 and 70-23-612 or by the declaration or the bylaws of the particular condominium.

(5) "Community land trust" means a nonprofit organization exempt from taxation under section 501(c) of the Internal Revenue Code that holds title to land beneath individually owned housing units for the purpose of preserving affordable housing.

(5)(6) "Condominium" means the ownership of single units with common elements located on property submitted to the provisions of this chapter. The term does not include a townhome, or townhouse, or community land trust.

(6)(7) "Declaration" means the instrument by which the property is submitted to the provisions of this chapter.

1 ~~(7)~~(8) "General common elements", unless otherwise provided in a declaration or by consent of all the
2 unit owners, means:

3 (a) the land on which the building is located, except any portion of the land included in a unit or made
4 a limited common element by the declaration;

5 (b) the foundations, columns, girders, beams, supports, mainwalls, roofs, halls, corridors, lobbies, stairs,
6 fire escapes, entrances, and exits of the building;

7 (c) the basements, yards, gardens, parking areas, and outside storage spaces, private pathways,
8 sidewalks, and private roads;

9 (d) installations of central services such as power, light, gas, hot and cold water, heating, refrigeration,
10 air conditioning, waste disposal, and incinerating;

11 (e) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and
12 installations existing for common use;

13 (f) the premises for the lodging of janitors or caretakers of the property; and

14 (g) all other elements of the building necessary or convenient to its existence, maintenance, and safety
15 or normally in common use.

16 ~~(8)~~(9) "Limited common elements" means those common elements designated in the declaration or by
17 agreement of all the unit owners as reserved for the use of a certain unit or number of units to the exclusion of
18 the other units.

19 ~~(9)~~(10) "Majority" or "majority of the unit owners", unless otherwise provided in the declaration, means
20 the owners of more than 50% in the aggregate of the undivided ownership interests in the general common
21 elements as the percentage of interest in the element appertaining to each unit is expressed in the declaration.
22 Whenever a percentage of the unit owners is specified, percentage means the percentage in the aggregate of
23 undivided ownership.

24 ~~(10)~~(11) "Manager" means the manager, board of managers, or other person in charge of the
25 administration of or managing the property.

26 ~~(11)~~(12) "Project" means a real estate condominium project whereby a condominium of two or more units
27 located on property submitted to the provisions of this chapter are offered or proposed to be offered for sale.

28 ~~(12)~~(13) "Property" means the land, all buildings, improvements, and structures on the land, and all
29 easements, rights, and appurtenances belonging to the land that are submitted to the provisions of this chapter.

30 ~~(13)~~(14) "Recording officer" means the county officer charged with the duty of filing and recording deeds

1 and mortgages or other instruments or documents affecting the title to real property.

2 ~~(14)~~(15) "Townhome" or "townhouse" means property that is owned subject to an arrangement under
3 which persons own their own units and hold separate title to the land beneath their units, but under which they
4 may jointly own the common areas and facilities.

5 ~~(15)~~(16) "Unit" means a part of the property including one or more rooms occupying one or more floors
6 or a part or parts of the property intended for any type of independent use and with a direct exit to a public street
7 or highway or to a common area or area leading to a public street or highway.

8 ~~(16)~~(17) "Unit designation" means the number, letter, or combination of numbers and letters designating
9 a unit in the declaration.

10 ~~(17)~~(18) "Unit owner" means the person owning a unit in fee simple absolute individually or as co-owner
11 in any real estate tenancy relationship recognized under the laws of this state. However, for all purposes,
12 including the exercise of voting rights, provided by lease filed with the presiding officer of the association of unit
13 owners, a lessee of a unit must be considered a unit owner."

14
15 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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