

HOUSE BILL NO. 914

INTRODUCED BY K. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS;
REQUIRING A LOCAL GOVERNMENT TO INTERPRET A GROWTH POLICY BY ITS PLAIN LANGUAGE;
REQUIRING A LOCAL GOVERNMENT TO ALLOW CERTAIN RESIDENTIAL USES ON LAND ANNEXED
INTO A MUNICIPALITY; PROVIDING AN APPROPRIATION; AMENDING SECTION 76-1-605, MCA; AND
PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 76-1-605, MCA, is amended to read:

"76-1-605. Use of adopted growth policy. (1) Subject to subsection (2), after adoption of a growth policy, the governing body within the area covered by the growth policy pursuant to 76-1-601 must be guided by and give consideration to the general policy and pattern of development set out in the growth policy in the:

(a) authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;

(b) authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities; and

(c) adoption of zoning ordinances or resolutions.

(2) (a) A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law.

(b) A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.

(c) A governing body shall interpret the growth policy according to the growth policy's plain language.

NEW SECTION. **Section 2. Local ordinances and annexed land.** ~~A city or town council or other~~

1 ~~legislative body may not adopt~~ IF AN EXISTING RESIDENTIAL USE WAS ALLOWED ON A LOT OR PARCEL PRIOR TO
2 ANNEXATION, a zoning ordinance or resolution or a nuisance ordinance ~~that prohibits a residential use on a lot or~~
3 ~~parcel to be annexed into a municipality if the residential use was allowed on the lot or parcel prior to~~
4 ~~annexation~~ APPLYING TO THE LOT OR PARCEL MUST ALLOW THE RESIDENTIAL USE AS A LEGAL NONCONFORMING USE.
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6 NEW SECTION. Section 3. Appropriation. There is appropriated \$500 from the general fund to the
7 department of commerce for the fiscal year beginning July 1, 2023, to notify local governments of the statutory
8 revisions implemented in [this act].
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10 NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an
11 integral part of Title 76, chapter 2, part 3, and the provisions of Title 76, chapter 2, part 3, apply to [section 2].
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13 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2023.
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