

HOUSE BILL NO. 584

INTRODUCED BY R. PINOCCI, S. BERGLEE, C. CLARK, C. FISCUS, T. MANZELLA, M. MONFORTON,
D. MORTENSEN, K. REGIER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RETALIATORY CONDUCT LAWS RELATED TO
LANDLORDS AND TENANTS; PROVIDING THAT AN ADJUDICATED COMPLAINT OF TENANT RETALIATION
AGAINST A LANDLORD IS A REBUTTABLE PRESUMPTION OF RETALIATION; AND AMENDING SECTION
70-24-431, MCA."

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

Section 1. Section 70-24-431, MCA, is amended to read:

"70-24-431. Retaliatory conduct by landlord prohibited -- tenant retaliatory conduct. (1) Except
as provided in this section, a landlord may not retaliate by increasing rent, by decreasing services, or by bringing
or threatening to bring an action for possession after the tenant:

(a) has complained of a violation applicable to the premises materially affecting health and safety to a
governmental agency charged with responsibility for enforcement of a building or housing code;

(b) has complained to the landlord in writing of a violation under 70-24-303; or

(c) has organized or become a member of a tenant's union or similar organization.

(2) If the landlord acts in violation of subsection (1) of this section, the tenant is entitled to the remedies
provided in 70-24-411 and has a defense in any retaliatory action against the tenant for possession.

(3) In an action by or against the tenant or landlord, evidence of a valid complaint adjudicated in favor
of either party within 6 months before the alleged act of retaliation creates a rebuttable presumption that the
landlord's or tenant's conduct was in retaliation. The presumption does not arise if the tenant made the complaint
after notice of a proposed rent increase or diminution of services. ~~For purposes of this section, "rebuttable
presumption" means that the trier of fact is required to find the existence of the fact presumed unless and until
evidence is introduced that would support a finding of its nonexistence.~~

(4) Subsections (1), (2), and (3) do not prevent a landlord from bringing an action for possession if:

(a) the violation of the applicable building or housing code was caused primarily by lack of reasonable
care by the tenant, a member of the tenant's family, or any other persons on the premises with the tenant's

1 consent;

2 (b) the tenant is in default in rent; or

3 (c) compliance with the applicable building or housing code requires alteration, remodeling, or demolition

4 that would effectively deprive the tenant of use of the dwelling unit.

5 (5) The maintenance of an action under subsection (4) of this section does not release the landlord from
6 liability under 70-24-405(2)."

7 - END -