

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



ANGELA McLEAN
LT. GOVERNOR

April 17, 2015

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Knudsen and President Barrett:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 584 (HB 584), "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."

HB 584 would make it easier for landlords to retaliate against tenants when tenants complain that the landlord is not fulfilling his or her statutorily mandated obligations to maintain a property. Existing law prohibits landlord retaliation and protects the ability of tenants to complain to the landlord or a government agency to ensure a property is properly maintained. Current law creates a rebuttable presumption of retaliation when a landlord raises the rent, decreases services, or brings an action against a tenant, after the tenant has lodged a complaint with the landlord or a governmental agency charged with enforcing building codes.

Under HB 584, a tenant would have to file a court action and obtain a judge's order in his or her favor before a presumption of retaliation could arise. A landlord could therefore retaliate against a tenant, forcing the tenant out of the premises, long before a court adjudicates any complaint in favor of the tenant.

Further, the bill completely strikes the definition of "rebuttable presumption" from the law. Under the existing statute, retaliation is presumed unless the landlord can introduce evidence showing that the actions he or she took were not taken in retaliation against a tenant. Removal of the definition removes the language that landlords produce evidence showing their actions were not retaliatory. Without the language, landlords could argue it is the tenants' burden to prove retaliation.

Speaker Knudsen
President Barrett
April 17, 2015
Page 2

While HB 584 was presented as a fairness bill that would protect landlords from tenant retaliation, it in fact eviscerates the protections afforded in current law to tenants from landlord retaliation.

For these reasons, I veto HB 584.

Sincerely,

A handwritten signature in black ink, appearing to be "Steve Bullock", with a long horizontal flourish extending to the right.

STEVE BULLOCK
Governor

Enclosure

cc: Legislative Services Division
Secretary of State