

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

STEVE BULLOCK  
GOVERNOR



MIKE COONEY  
LT. GOVERNOR

May 22, 2017

The Honorable Corey Stapleton  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 276 (SB 276), "AN ACT REVISING LAWS RELATED TO RETALIATION CONCERNING LANDLORDS AND TENANTS; AND AMENDING SECTIONS 70-24-411 AND 70-24-431, MCA."

SB 276 is one of more than a dozen bills that were introduced this session seeking to overhaul landlord-tenant law in Montana. If enacted, these bills would significantly alter the Residential Landlord and Tenant Act that has been in place since 1977. If there are problems with the state of landlord-tenant law in Montana, I would encourage the legislature to engage in a balanced, independent and thoughtful study of the issue rather than the haphazard approach of the slate of bills introduced this session. While I believe some bills introduced this session are appropriately balanced and reasonable, others are not.

SB 276 entirely restructures the Montana code provisions concerning retaliatory conduct by landlords. Existing law prohibits retaliation by a landlord against a tenant if the tenant: (1) complains of a violation affecting health and safety to a government agency; (2) complains of a violation of 70-24-303 (landlord to maintain premises); or (3) organizes or joins a tenants union. "Retaliation" is defined as increasing rent, decreasing services or bringing an action – or threatening to bring an action – for possession of the premises.

SB 276 rewrites existing law. If the bill were to become law:

- A tenant complaint to a government agency of a problem with a dwelling would have to result in a finding by the agency, within 6 months of the complaint, that a violation did in fact occur, or the landlord could retaliate against the tenant;
- The rebuttable presumption in existing law that a landlord's conduct was done in retaliation if the alleged retaliation took place within 6 months of the tenant's complaint would be eliminated; and,
- A landlord could bring an action against a tenant and recover civil penalties against the tenant for making a complaint in "bad faith."

Secretary Stapleton  
May 22, 2017  
Page 2

As rewritten, a tenant is likely to end up in litigation with their landlord if they dare complain to a government agency of poor conditions in a dwelling unit. The purpose of these proposed changes to the law is clearly to intimidate tenants into silence rather than promote the resolution of problems.

For these reasons, I veto SB 276.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Bullock', with a horizontal line underneath it.

STEVE BULLOCK  
Governor

cc: Legislative Services Division  
Scott Sales, President of the Senate  
Austin Knudsen, Speaker of the House