

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 11, 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 House Bill 348 (HB 348), "AN ACT GENERALLY REVISING LAWS RELATED TO LANDLORDS AND TENANTS CONCERNING RENTAL AGREEMENTS AND MOBILE HOME LOT LEASES; REQUIRING ADDITIONAL TENANTS TO RECEIVE WRITTEN PERMISSION FROM A LANDLORD; MODIFYING PROVISIONS RELATED TO TENANT ABSENCES; MODIFYING WHEN THE LANDLORD MAY ENTER THE PREMISES WITHOUT NOTICE DURING THE ABSENCE OF A TENANT; MODIFYING PROVISIONS CONCERNING LOCKS ON TENANT PREMISES; REQUIRING A TENANT TO REPORT HEALTH OR SAFETY ISSUES AND DAMAGES TO A LANDLORD; AMENDING SECTIONS 45-6-106, 70-24-302, 70-24-312, 70-24-321, 70-24-322, 70-24-422, 70-24-424, 70-24-426, 70-33-302, 70-33-312, 70-33-321, 70-33-322, 70-33-422, 70-33-424, 70-33-426, AND 70-33-433, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

HB 348 is one of more than a dozen bills introduced this session seeking to overhaul landlord-tenant law in Montana. If all of these bills were enacted, the Residential Landlord and Tenant Act that has been in place since 1977 would be significantly altered. If there are problems with the state of landlord-tenant law in Montana, I would encourage a thorough study and inclusive approach to the development of a legislative reform package, rather than the haphazard approach of the slate of bills introduced this session.

HB 348 is an "omnibus" reform bill that tips the legal balance of power too far in favor of landlords, without strong policy reasons for doing so. Among other things, the bill would:

- Require that tenants "promptly report" to the landlord "any issues" with the rental affecting health or safety, as well as any damage to the rental property. This provision sounds reasonable but may in fact be very detrimental to tenants. A tenant could be held in violation of the renter's contract for not reporting mold behind a wall, bad wiring, or defective smoke alarms. Under HB 348, a landlord could terminate a rental contract and sue the tenant for damages for failure to report issues they did not know existed.

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- Prohibit tenants from adding locks to their exterior door. There may be situations involving the safety of a tenant requiring that a lock on the exterior door be changed immediately. If the landlord is unavailable, the tenant is faced with the choice of risking a dangerous situation or possible eviction for changing the lock. Under current law, a tenant may change a lock with the permission of the landlord and must give the landlord a key. This is a fair balance between the needs of the landlord and the tenant. There is no persuasive reason for changing existing law as proposed under HB 348.
- Require that tenants notify landlords of any absence of 5 days or more, no later than 24 hours prior to the beginning of the absence. This provision constitutes a gross violation of the privacy of tenants, particularly those with jobs that require frequent travel. Further, it is not realistic about the exigencies of life. There are times when a short stay away from the dwelling can, because of an emergency or unforeseen circumstances, turn into a longer stay. It may simply be impossible to know in advance of a coming 5-day absence, and equally impossible to inform a landlord in advance.

An omnibus bill like HB 348 should be carefully studied, thoroughly vetted, and developed with the participation of all impacted parties. HB 348 proposes too many changes without a clear idea of the unintended consequences of those changes.

For these reasons, I veto HB 348.

Sincerely,



STEVE BULLOCK
Governor

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