

2021 Easter Break Report

April 1st was the 64th day of our 90-day legislative session. Last week legislators went home for the Easter Break and started work again on Tuesday. The primary focus of the legislature at this point in the session is the state budget and determining how to spend the roughly \$3 billion dollars of federal funds available to Montana through the American Rescue Plan Act. The session is increasingly chaotic as legislators scramble to get bills through the process before deadlines. Thankfully, we are past the point where any bills but study resolutions may be introduced. With that said, no bills are truly dead until the legislature declares “Sine Die” and goes home.

Here is where things stand following the Easter Break.

MAR Priority Bills:

HB 116 – requires owner disclosure and creates a new decontamination standard and process for properties contaminated from smoking meth. The bill passed the legislature and was signed by the Governor. We thank Rep. Vince Ricci from Laurel for sponsoring this bill for the association.

HB 153 – clarifies that only active real estate brokers and salespersons are required to have errors and omissions insurance. This bill passed the legislature and was signed into law by the Governor. We thank REALTOR® member Rep. Ross Fitzgerald from Fairfield for sponsoring this legislation.

SB 211 – protects property rights from misuse of subdivision review for impacts to agriculture. The bill is supported by both the development community and farmers and ranchers. It has been passed by the legislature and is headed to the Governor’s desk.

SB 161 – creates an expedited subdivision review that is mandatory for cities and optional for county areas with infrastructure. It has passed the legislature and awaits the Governor’s signature. REALTOR® member Rep. Marta Bertoglio from Helena did a fantastic job of presenting the bill to the entire House of Representatives.

HB 269 – requires local board of health regulations on septic systems to be approved by local elected officials. Local regulations on septic systems can have significant impacts to land use and real estate transactions. HB 121, a more comprehensive health board reform bill that also does the same things as HB 269 regarding septic regulations and fees, has passed the legislature. After HB 121 passed, HB 269 was tabled in committee as it was redundant.

These are some of the bills MAR has SUPPORTED. Each is either alive or has passed the legislature at this point:

HB 21 – authorizes an additional \$15M in loans from the coal tax trust fund for affordable housing

HB 49 – increases document recording fees to fund Cadastral and other digital library services

HB 195 – limits lookback periods for homeowner’s insurance policies

HB 252 – creates a tax credit for employer-paid trade education

HB 259 – prohibits local governments from placing price caps on home sales prices and rents as a condition of development approval

HB 298 – requires DOR to provide a reason on the reappraisal notice if value increased by 10% or more

HB 444 – fixes an issue with sanitation review making it difficult to reaggregate parcels

HB 554 – requires legislative approval of National Heritage Areas on state lands

HB 304 – makes community land trusts easier to operate in Montana

HB 397 – establishes tax credits for low and moderate income housing

SB 114 – protects homeowner equity by increasing the homestead exemption to \$350,000

SB 133 – allows successful appellants of a residential property tax valuation to collect attorney fees

SB 135 – allows county commissioners to review all aspects of a county zoning appeal decision

SB 136 – overturns a district court decision that held water right permits need to review water quality

SB 165 – addresses issues with DEQ sanitation review for subdivisions

SR 29 – confirm the appointment of REALTOR® Adam Hertz to the Montana Board of Housing

These are some of the bad bills MAR has OPPOSED. Each is dead at this point:

HB 123 – removes peer-reviewed science as a consideration for local septic regulations that are more stringent than state regulations

HB 134 – allows up to fourplexes in certain single family residential neighborhoods

HB 148 – returns Montana to a six-year property tax reappraisal cycle

HB 327 – bans short term rentals in many HOAs by inserting default definitions into covenants

HB 395 – voids zoning changes made during a state of emergency going back to last year, wiping out many development approvals around the state

HB 470, HB 528, HB 529, LC 2793, LC 2798 – these bills make unhelpful changes to land use statutes, are riddled with technical issues, would impede development, and would lead to needless litigation

HB 639 – unhelpful changes to tax increment financing laws that would have hurt urban redevelopment

HB 677 – violates private property rights by forbidding ag landowners to sell to a non-profit

HB 690 – incentivizes homeowners to not sell their home by limiting increases to taxable value

HB 710 – requires real estate websites to have numerous, complicated privacy disclosures

SB 10 – creates an unfunded property tax circuit breaker program

SB 268 – allows local governments to use eminent domain to condemn mobile home parks to preserve affordable housing

SB 362 – requires the board of housing to approve certain rent increases for mobile home parks

There are still a few bad bills out there alive that we are working to kill off:

HB 464 – repeals local option gas tax

SB 231 – makes unnecessary changes to the family transfer statute

HB 599 – violates the rights of property owners near proposed gravel pits

As we work on the finishing touches, the session has gone very well for REALTORS® and private property owners. We thank the members of the MAR Government Affairs Committee for their outstanding work, and in particular, our committee chair Mike Nugent and vice chair Hattie Graham. Most of all, we thank you, our members, for allowing us to represent you in our State Capitol.

Sam Sill, MAR Government Affairs Director/Lobbyist