

2021 Legislative Session Final Report

MAR Legislative Agenda/Priority Bills:

HB 116 (Rep. Vince Ricci, Laurel) – Requires owner disclosure and creates a new decontamination standard and process for properties contaminated from occupants smoking meth. **The bill passed the legislature and was signed by the Governor.**

HB 153 (Rep. Ross Fitzgerald, Fairfield) – 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 161 (Sen. John Esp, Big Timber) – Creates an expedited subdivision review that is mandatory for cities and optional for county areas with infrastructure. **It has passed the legislature and was signed into law by the Governor,** who promoted it as a tool to improve housing affordability. REALTOR® member Rep. Marta Bertoglio from Helena did a fantastic job of presenting the bill to the entire House of Representatives.

SB 211 (Sen. Steve Fitzpatrick, Great Falls) – 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 signed by the Governor.**

HB 269 (Rep. Ron Marshall, Hamilton) – requires local board of health regulations on septic systems to be approved by local elected officials. The contents of HB 269 were included within HB 121, a more comprehensive bill to reform local boards of health. Once HB 121 passed the legislature, HB 269 was tabled as it was no longer needed.

These are some of the bills MAR SUPPORTED during the session. Each has passed the legislature and has either been signed by the Governor or awaits his signature:

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 304 - Makes community land trusts easier to operate in Montana

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

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

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 opposed. Each died in the process.

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

We requested that the Governor veto the following bad bills that passed the legislature.

HB 464 – Repeals local option gas tax authority (This bill was signed by the Governor on May 5th).

SB 231 – Makes unnecessary changes to the family transfer and boundary line adjustment statutes (This bill was vetoed by the Governor on May 14th at MAR's request).

The Montana Association of REALTORS® thanks our 150 citizen legislators and the Gianforte administration for their service to Montana. Legislators spend months apart

from their families and devote countless hours tending to the business of our state. Though we may not always agree, they are each deserving of our sincerest gratitude.

In addition, we owe a special thanks to MAR Government Affairs Committee Chair Mike Nugent, Vice Chair Hattie Graham, the rest of the committee members, our lobbying team, and MAR leadership for their outstanding work leading up to and during the legislative session. These folks all put in a tremendous amount of good work on behalf of our industry.

Just as importantly, we thank you, our Montana REALTOR® members. Your support allows us to be effective advocates for our industry in Helena. Whether it is contributing to RPAC, serving as a Key Contact, or formulating policy stances as a member of the Government Affairs Committee, there are many opportunities to get involved. We hope that you will continue to lend your voice to our advocacy.

While Montana REALTORS® accomplished much together this session, there is still much left to be done. The interim is upon us, and MAR will continue to promote the interests of our members and protect private property rights as we prepare for the 68th Montana Legislative Session in 2023.