

HOUSE BILL NO. 233

INTRODUCED BY A. GRIFFITH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE TRANSFER OF TITLE OF OPEN SPACES
IN A RECORDED FINAL PLAT TO A HOMEOWNERS' ASSOCIATION; REQUIRING A PUBLIC HEARING;
PROVIDING A DEFINITION; ~~AND~~ AMENDING SECTIONS 76-3-103, 76-8-101, 76-25-103, AND 76-25-411,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Transfer of title of open spaces in recorded final plat. (1) After a final
subdivision plat has been filed for record with the county clerk and recorder, a homeowners' association may
file a petition with the governing body to transfer title to the homeowners' association of any open spaces,
parks, or similar common-use areas set aside in the final plat if the following conditions are met:

- (a) the homeowners' association is organized in accordance with the covenants;
- (b) the covenants require the homeowners' association to maintain, repair, or insure the open
spaces, parks, or similar common-use areas; and
- (c) the governing body finds that it was the intent of the subdivider that the open spaces, parks, or
similar common-use areas be owned by the homeowners' association.

(2) The petition under subsection (1) must be signed by an authorized representative of the
homeowners' association.

(3) After a public hearing on the petition, the governing body shall issue written findings of fact and
a decision based on the record. If the requirements of subsection (1) have been met, the governing body shall
approve the transfer. If the governing body approves the transfer, the approval must be recorded with the clerk
and recorder.

Section 2. Section 76-3-103, MCA, is amended to read:

"76-3-103. Definitions. As used in this chapter, unless the context or subject matter clearly requires

- 2025

Drafter: Rachel Weiss,

1 NEW SECTION. **Section 7.** **Effective date.** [This act] is effective on passage and approval.

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3 NEW SECTION. **Section 8. Retroactive applicability.** [This act] applies retroactively, within the

4 meaning of 1-2-109, to final subdivision plats recorded on or after October 1, 1973.

5 - END -