

HOUSE BILL NO. 304

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RESIDENTIAL TENANT SECURITY DEPOSIT LAWS
TO GIVE CERTAIN TENANTS MORE INFORMATION ABOUT CLEANING NOT ACCOMPLISHED AND
MORE TIME TO COMPLETE ADDITIONAL CLEANING; PROHIBITING CHARGING A FEE FOR
INSPECTING THE CLEANING ACCOMPLISHED BY CERTAIN TENANTS; AND AMENDING SECTION 70-
25-201, MCA."

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

Section 1. Section 70-25-201, MCA, is amended to read:

"70-25-201. Security deposit -- authorized deductions authorized therefrom. (1) A landlord
renting property covered by this chapter may deduct from the security deposit a sum equal to the damage
alleged to have been caused by the tenant, together with a sum equal to the unpaid rent, late charges, utilities,
penalties due under lease provisions, and other money owing to the landlord at the time of deduction, including
rent owed under 70-24-441(3), and a sum for actual cleaning expenses, including a reasonable charge for the
landlord's labor.

(2) At the request of either party, the premises may be inspected within 1 week prior to termination
of the tenancy.

(3) (a) Cleaning charges may not be imposed for normal maintenance performed on a cyclical
basis by the landlord as noted by the landlord at the time that the tenant occupies the space unless the landlord
is forced to perform this maintenance because of negligence of the tenant. Additionally, cleaning charges may
not be deducted until written notice has been given to the tenant. The notice must include an itemized list of the
cleaning not accomplished by the tenant, with estimates of the costs if the cleaning remains unaccomplished,
and the additional ~~and type or types~~ of cleaning that need to be done by the tenant to bring the premises back

1 to its condition at the time of its renting. If a landlord owns 9 or fewer rental units, the landlord is not required to
2 provide an estimate of costs of the cleaning that remains unaccomplished.

3 (b) After the delivery of the notice, the tenant of a rental unit owned by a landlord who owns 10 or
4 more rental units has 24 48 hours to complete the required cleaning, unless the rental agreement is already
5 terminated pursuant to 70-24-427 or 70-33-427 and the landlord has a pending claim for actual damages filed
6 in court. A tenant of a rental unit owned by a landlord who owns 9 or fewer rental units has 24 hours to
7 complete the required cleaning, unless the rental agreement is already terminated pursuant to 70-24-427 or 70-
8 33-427 and the landlord has a pending claim for actual damages filed in court. If notice is mailed by certified
9 mail, service of the notice is considered to have been made 3 days after the date of the mailing.

10 (c) A tenant who fails to notify the landlord of the intent to vacate or who vacates the premises
11 without notice relieves the landlord of the requirement of giving notice and allows the landlord to deduct the
12 cleaning charges from the deposit, or the landlord may leave a copy of the notice in a conspicuous location in
13 the rental unit and notify the tenant by e-mail, phone, or text, and notice is considered delivered.

14 (4) A person may not deduct or withhold from the security deposit any amount for purposes other
15 than those set forth in this section.

16 (5) A landlord who owns 10 or more rental units may not charge an inspection fee for inspecting
17 the cleaning accomplished by the tenant in the 48-hour period provided for in subsection (3)(b)."

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