

Main document changes and comments

Page 1: Commented [MK1] **Maddie Krezowski** **2/24/2026 11:35:00 AM**

NOTE: This provisional draft does not include existing sections of code that should be amended to add reference to the Uniform Common Interest Ownership Act (Uniform Act). Some of those provisions were included in HB 619.

Page 2: Commented [MK2] **Maddie Krezowski** **11/17/2025 2:19:00 PM**

The term “Homeowners’ association” is currently defined in Montana law at sections [35-2-525](#); [35-2-550](#); [70-16-110](#); [70-17-901](#); [76-3-103](#) (definition used in [76-3-308](#)); and [76-25-203](#) (definition used in [76-25-411](#))

The term “homeowners’ association” is also used but not defined in sections [70-1-522](#) and [70-17-210](#)

Page 3: Commented [MK3] **Maddie Krezowski** **11/19/2025 2:57:00 PM**

HB 619 omitted a subsection from the Uniform Act that would appear after Sec. 2(9)(b) that read: “For purposes of this paragraph, ownership of a unit does not include holding a leasehold interest of less than [20] years in a unit, including renewal options.”

Page 4: Commented [MK4] **Maddie Krezowski** **11/19/2025 2:58:00 PM**

HB 619 added “manage, operate, or oversee” in Sec. 2(19)

Page 4: Commented [MK5] **Maddie Krezowski** **11/19/2025 2:58:00 PM**

HB 619 added “including but not limited to a board of directors” in Sec. 2(19)

Page 6: Commented [MK6] **Maddie Krezowski** **2/18/2026 2:10:00 PM**

This provisional draft adds the second sentence in Sec. 2(31) that reads “It include home-based child care as provided in [70-17-216](#).”

Page 7: Commented [MK7] **Maddie Krezowski** **11/14/2025 4:26:00 PM**

This provisional draft updates this internal citation in Sec. 2(36). Struck “[sections 22 through 46]” and inserted “[section 25(1)(a)]” to reflect internal citation as it appears in the Uniform Act

Page 7: Commented [MK8] **Maddie Krezowski** **11/19/2025 3:01:00 PM**

HB 619 added “A unit may be land” in Sec. 2(36) and moved the second sentence of Sec. 2(36) to the end of section 4(1)

Page 8: Commented [MK9] Maddie Krezowski 12/1/2025 10:45:00 AM

HB 619 added the second sentence in Sec. 4(1) sentence from the definition of “unit” in Sec. 2(36)

Page 8: Commented [MK10] Maddie Krezowski 2/18/2026 3:09:00 PM

This provisional draft removes language that was added in HB 619 that read “by an applicable local governmental entity” after “against the declarant” in Sec. 4(3) because it does not accurately reflect the split in authority in Montana’s property tax system between the state and local governments

Page 8: Commented [MK11] Maddie Krezowski 2/20/2026 11:24:00 AM

This provisional draft adds the citation that reads “adopted pursuant to [Title 50, chapter 60](#)” in Sec. 5(1)

Page 8: Commented [MK12] Maddie Krezowski 2/20/2026 11:28:00 AM

This provisional draft adds the citation that reads “authorized under [Title 7](#); [Title 10, chapter 1, part 15](#); or [Title 76](#)” in Sec. 5(2)

Page 8: Commented [MK13] Maddie Krezowski 2/20/2026 11:42:00 AM

This provisional draft adds the citation that reads “authorized in [Title 7](#); [Title 10, chapter 1, part 15](#); [Title 50, chapter 60](#); or [Title 76](#)” in Sec. 5(3)

Page 9: Commented [MK14] Maddie Krezowski 2/18/2026 3:23:00 PM

This provisional draft updates the terminology from “The court decree” to “The final order of condemnation” in Sec. 6(4) to match the terminology used in existing MCA statute, section [70-30-309](#), MCA

Page 10: Commented [MK15] Maddie Krezowski 11/19/2025 3:03:00 PM

HB 619 omitted the second sentence from the Uniform Act in Sec. 10 that read: “However, consequential, special, or punitive damages may not be awarded except as specifically provided in this [act] or by other rule of law.”

Page 10: Commented [MK16] Maddie Krezowski 11/18/2025 3:37:00 PM

The inflation calculation in Sec. 11 could be updated pursuant to the Comments to the Uniform Act. The Comments state that the Bureau of Labor Statistics adopted a rebasing figure in 1987 and a new base year of “1982-84 = 100” and suggests that “States which choose to adopt this Act after 1994 should revise subsection (a) to refer to “1982-84 = 100,” rather than “1967 = 100.” The same result will occur either way because subsection (3) incorporates any future changes into the provided calculation.

Page 11: Commented [MK17] Maddie Krezowski 11/18/2025 3:45:00 PM

This provisional draft adds a citation in Sec. 12 to “[Title 30, chapter 18, part 1](#)” where the Uniform Electronic Transaction Act is codified

Page 11: Commented [MK18] **Maddie Krezowski** **11/18/2025 3:58:00 PM**

HB 619 deleted “of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b)” from the Uniform Act in Sec. 12.

Page 11: Commented [MK19] **Maddie Krezowski** **11/18/2025 4:02:00 PM**

This provisional draft updates and corrects the internal citations in Sec. 13 from HB 619 to match those made in the Uniform Act

Page 13: Commented [MK20] **Maddie Krezowski** **11/19/2025 11:00:00 AM**

This provisional draft updates and corrects the internal citations in Sec. 16 from HB 619 to match those made in the Uniform Act

Page 14: Commented [MK21] **Maddie Krezowski** **11/19/2025 11:13:00 AM**

This provisional draft adds back in “this entire” in Sec. 18(2)(a) from the Uniform act

Page 14: Commented [MK22] **Maddie Krezowski** **11/19/2025 11:14:00 AM**

This provisional draft corrects an internal reference in Sec. 18(2)(b)

Page 14: Commented [MK23] **Maddie Krezowski** **11/19/2025 11:15:00 AM**

This provisional draft adds back “this entire” in Sec. 18(3) from the Uniform act

Page 14: Commented [MK24] **Maddie Krezowski** **11/19/2025 11:17:00 AM**

This provisional draft deletes “subject to [section 10]” from Sec. 18(3) because the uniform act stated “subject to Section 1-112” but this bill does not adopt Section 1-112 regarding unconscionable agreements or terms of contract

Page 15: Commented [MK25] **Maddie Krezowski** **11/19/2025 3:05:00 PM**

HB 619 added the last sentence in Sec. 20(1) that reads “The arrangement must be interpreted pursuant to contract law of this state” that does not appear in the Uniform Act

Page 15: Commented [MK26] **Maddie Krezowski** **2/23/2026 1:29:00 PM**

This provisional draft changes “agreement” to “arrangement” in the last sentence of Sec. 20(1) to follow term used in first sentence

Page 15: Commented [MK27] **Maddie Krezowski** **11/19/2025 11:36:00 AM**

This provisional draft changes “Montana contract law” to “contract law of this state” to follow MCA style in Sec. 20(1)

Page 15: Commented [MK28] Maddie Krezowski 11/19/2025 3:05:00 PM

HB 619 omitted: “, and the arrangement must be disclosed in all public offering statements and resale certificates required by this [act]” from the end of the subsection in Sec. 20(2)

Page 15: Commented [MK29] Maddie Krezowski 11/26/2025 3:21:00 PM

HB 619 replaced “executed in the same manner as a deed” with “in the office of the clerk and recorder in the county in which the common interest community is located” in Sec. 22(1)

Page 15: Commented [MK30] Maddie Krezowski 11/19/2025 3:07:00 PM

HB 619 deleted the second sentence of Sec. 22(1) that read “The declaration must be recorded in every county in which any portion of the common interest community is located and must be indexed in the grantee’s index in the name of the common interest community and the association and in the grantor’s index in the name of each person executing the declaration.”

Page 15: Commented [MK31] Maddie Krezowski 11/19/2025 3:08:00 PM

HB 619 made changes to Sec. 22(2) that differ from the Uniform Act. The Uniform Act reads:

“In a condominium, a declaration, or an amendment to a declaration, adding units may not be recorded unless all structural components and mechanical systems of all buildings containing or comprising any units thereby created are substantially completed in accordance with the plans, as evidenced by a recorded certificate of completion executed by an independent [registered] engineer, surveyor, or architect.”

Page 15: Commented [MK32] Maddie Krezowski 11/19/2025 12:30:00 PM

There is a parallel requirement to the requirement in Sec. 22(2) for final plat to be recorded before land transfer in [76-3-303](#) and [76-25-411](#).

Page 16: Commented [MK33] Maddie Krezowski 11/19/2025 12:25:00 PM

This provisional draft changed the language in Sec. 22(2) in HB 619 from “a Montana licensed” to “licensed in this state” to follow Montana Bill Drafting Manual style.

Page 16: Commented [MK34] Maddie Krezowski 11/19/2025 3:09:00 PM

HB 619 added “a mandatory provision” in Sec. 24(3)

Page 17: Commented [MK35] Maddie Krezowski 11/19/2025 3:09:00 PM

HB 619 added “recorded after [the effective date of this act]” in Sec. 26(1)

Page 17: Commented [MK36] **Maddie Krezowski** **11/19/2025 12:49:00 PM**

This provisional draft makes additional changes to the language the was changed in HB 619 from the Uniform Act in Sec. 26(1)(e).

Page 17: Commented [MK37] **Maddie Krezowski** **11/19/2025 2:35:00 PM**

HB 619 omitted a subsection from the Uniform Act that would appear after Sec. 26(1)(h) that read:

“() if any development right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

- A) either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right or a statement that no assurances are made in those regards; and
- A) a statement as to whether, if any development right is exercised in any portion of the real estate subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real estate”

Page 18: Commented [MK38] **Maddie Krezowski** **11/19/2025 2:39:00 PM**

This provisional draft updated the internal reference in Sec. 26(1)(k)

Page 18: Commented [MK39] **Maddie Krezowski** **11/19/2025 2:48:00 PM**

HB 619 omitted a subsection that appeared after Sec. 26(1)(k) in the Uniform Act that read:

“() the [recording data] for recorded easements and licenses appurtenant to or included in the common interest community or to which any portion of the common interest community is or may become subject by virtue of a reservation in the declaration”

Page 19: Commented [MK40] **Maddie Krezowski** **11/19/2025 3:29:00 PM**

HB 619 omitted the second sentence from the Uniform Act in Sec. 28(2) that read: “Those allocations may not discriminate in favor of units owned by the declarant or an affiliate of the declarant.”

Page 23: Commented [MK41] **Maddie Krezowski** **2/20/2026 11:50:00 AM**

This provisional draft adds “licensed in this state” at the end of Sec. 30(7). Follows form used in Sec. 22(2)

Page 25: Commented [MK42] **Maddie Krezowski** **11/19/2025 4:00:00 PM**

HB 619 added the third sentence in Sec. 34(1).

Page 27: Commented [MK43] **Maddie Krezowski** **11/21/2025 2:20:00 PM**

HB 619 deleted second sentence that appeared in the Uniform Act from Sec. 38(3) that read: “An amendment must be indexed [in the grantee’s index’ in the name of the common interest community and the association and [in the grantor’s index] in the name of the parties executing the amendment.”

Page 28: Commented [MK44] **Maddie Krezowski** **12/1/2025 11:17:00 AM**

Sec. 38(6) and existing section [70-17-901](#), MCA, deal with the effects of amendments to CCRs on existing landowners.

Page 30: Commented [MK45] **Maddie Krezowski** **11/21/2025 2:19:00 PM**

This provisional draft leaves “docketed” in Sec. 39(8) and deletes “[recorded][docketed][insert other procedures required under state law to perfect a lien on real estate as a result of a judgment]” based on existing Montana Code in [25-9-301](#) and [25-9-302](#)

Page 37: Commented [MK46] **Maddie Krezowski** **11/21/2025 2:33:00 PM**

This provisional draft updates the internal citation in Sec. 43

Page 37: Commented [MK47] **Maddie Krezowski** **11/21/2025 2:40:00 PM**

Updated internal citation in Sec. 44(2)

Page 37: Commented [MK48] **Maddie Krezowski** **11/21/2025 2:40:00 PM**

Updated internal citation in Sec. 44(3)(b)

Page 38: Commented [MK49] **Maddie Krezowski** **11/21/2025 2:45:00 PM**

HB 619 added the last sentence in Sec. 47 that reads “If there is a conflict between the law under which the association was organized and [sections 1 through 95], [sections 1 through 95] governs.”

Page 39: Commented [MK50] **Maddie Krezowski** **11/24/2025 11:04:00 AM**

This provisional draft corrects outline numbering (or lettering) error from HB 619 in Sec. 48

Page 41: Commented [MK51] **Maddie Krezowski** **11/21/2025 2:48:00 PM**

HB 619 added “including but not limited to the power to evict” in Sec. 48(3)(c)

Page 41: Commented [MK52] **Maddie Krezowski** **11/24/2025 11:16:00 AM**

Sec. 48(6) and (7) and existing Sec. [70-17-210](#), MCA, deal with board enforcement

Page 44: Commented [MK53] **Maddie Krezowski** **11/24/2025 11:35:00 AM**

This provisional draft updates internal references in Sec. 50(4)

Page 47: Commented [MK54] Maddie Krezowski 11/25/2025 10:52:00 AM

This provisional draft changes “his” to “the unit owner’s” in accordance with the Montana Bill Drafting Manual in Sec. 53(1)

Page 48: Commented [MK55] Maddie Krezowski 11/24/2025 12:03:00 PM

Sec. 54(1)(e) and (2)(g) and existing sections [35-2-525](#) and [35-2-550](#), MCA, deal with remote meeting requirements

Page 54: Commented [MK56] Maddie Krezowski 11/25/2025 11:06:00 AM

This provisional draft changes “he” to “the unit owner” in Sec. 57(3) in accordance with the Montana Bill Drafting Manual

Page 56: Commented [MK57] Maddie Krezowski 11/24/2025 12:30:00 PM

HB 619 omitted the following subsection from the Uniform Act that would have appeared after Sec. 59(1)(c): “() In the case of building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, the insurance maintained under subsection (a)(1), to the extent reasonably available, must include the units, but need not include improvements and betterments installed by unit owners.”

Page 60: Commented [MK58] Maddie Krezowski 11/24/2025 1:56:00 PM

A citation to this exception to the Homestead Exemption should be added to section [70-32-202](#), MCA, that provides what judgments can be executed against homesteads

Page 61: Commented [MK59] Maddie Krezowski 11/24/2025 2:27:00 PM

Consider amending the statutes in [Title 70, chapter 27](#), to directly address unit owners’ associations as provided for in Sec. 62(10). The existing statutes in Title 70, chapter 27, were all enacted in the 19th Century, mostly in 1895, with a few left over from Montana’s territorial legislature. Not surprisingly, these existing statutes on their face are not directly applicable to the situation described here (consider for example [70-27-102](#) (forcible entry), [70-27-103](#) (forcible detainer), and [70-27-108](#) (unlawful detainer)).

Comment 5 to this section of the Uniform Act states “A state that adopts [this subsection of the Uniform Act] may need to consider conforming amendments in its forcible entry and detainer statute that are similar in character to the provisions in the Illinois statute, [735 ILCS 5/9-111](#) and [735 ILCS 5/9-111.1](#).”

These Illinois statutes are specific to and provide protections for condominium properties when unit owner association’s seek possession for unpaid assessments unlike the current statutes in [Title 70, chapter 27](#).

Page 63: Commented [MK60] **Maddie Krezowski** **11/24/2025 2:36:00 PM**

This provisional draft updates an internal reference in Sec. 62(14)(a)

Page 64: Commented [MK61] **Maddie Krezowski** **11/24/2025 3:04:00 PM**

This provisional draft updated the internal reference in Sec. 62(16) from [30-9A-301](#) to [Title 25, Ch. 9, part 3](#)

Page 64: Commented [MK62] **Maddie Krezowski** **11/24/2025 3:58:00 PM**

This provisional draft leaves in Sec. 63(1)(a) “if docketed” and deletes “[if recorded][if docketed][if [insert other procedures required under state law to perfect a lien on real estate as a result of a judgment]]” pursuant to [25-9-301](#) and [25-9-302](#), MCA

Page 65: Commented [MK63] **Maddie Krezowski** **11/26/2025 4:18:00 PM**

A judgment lien attaches to real property on being docketed (see [25-9-301](#), MCA). This Sec. 63(1)(d) provides that recording the judgment and indexing it in the name of the common interest community and association is notice of the lien against the units. The committee may want to seek input from Title companies about whether there should be an additional requirement to record the judgment to make titles insurable under this provision, such as “A judgment against the association must be recorded in the office of the clerk and recorder in the county where and association is located and indexed in the name of the...”

Page 68: Commented [MK64] **Maddie Krezowski** **11/24/2025 4:08:00 PM**

Sec. 66(4) and existing statute section [70-1-522](#), MCA, both address limitations on political signs by homeowners’ associations

Page 70: Commented [MK65] **Maddie Krezowski** **11/24/2025 4:51:00 PM**

Section 70 and existing sections [70-19-426](#), [70-19-427](#), and [70-19-428](#), MCA, address requirements to commence an action for residential construction defects

Page 73: Commented [MK66] **Maddie Krezowski** **11/26/2025 4:19:00 PM**

This provisional draft updates the internal reference in Sec. 73(1)

Page 75: Commented [MK67] **Maddie Krezowski** **11/25/2025 9:51:00 AM**

HB 619 omitted a subsection from the Uniform Act that would have appeared after Sec. 74(1)(l) that read:

“() a statement that any deposit made in connection with the purchase of a unit will be held in an escrow account until closing and will be returned to the purchaser if the purchaser cancels the contract pursuant to Section 4.108, together with the name and address of the escrow agent.”

Page 76: Commented [MK68] **Maddie Krezowski** **11/25/2025 9:53:00 AM**

HB 619 omitted a subsection from Uniform Act that would have appeared after this Sec. 74(1)(t) that read:

“() in a condominium or planned community containing a unit not having horizontal boundaries described in the declaration, a statement whether the unit may be sold after termination under Section 2-118 of the common interest community without consent of all the unit owners.”

Page 76: Commented [MK69] Maddie Krezowski 11/25/2025 10:16:00 AM

This provisional draft updates internal references in Sec. 74(3)

Page 78: Commented [MK70] Maddie Krezowski 2/20/2026 12:08:00 PM

This provisional draft adds “licensed in this state” in Sec. 77(1)(a). Follows form used in Sec. 22(2)

Page 79: Commented [MK71] Maddie Krezowski 11/25/2025 10:48:00 AM

This provisional draft changes “he” to “the purchaser” in Sec. 79(2) in accordance with the Montana Bill Drafting Manual

Page 79: Commented [MK72] Maddie Krezowski 11/25/2025 10:47:00 AM

This provisional draft changes “his” to “the offeror’s” in Sec. 79(2) in accordance with the Montana Bill Drafting Manual

Page 79: Commented [MK73] Maddie Krezowski 11/25/2025 10:50:00 AM

This provisional draft changes “his” to “the purchaser’s” in Sec. 79(3) in accordance with the Montana Bill Drafting Manual

Page 81: Commented [MK74] Maddie Krezowski 11/25/2025 11:24:00 AM

This provisional draft deletes “[a licensed title insurance company] [an attorney] [a licensed real estate broker] [an independent bonded escrow company or]” in Sec. 81 mirroring language for a similar requirement in [76-3-303](#) and [76-25-411](#)

Page 82: Commented [MK75] Maddie Krezowski 2/20/2026 12:11:00 PM

This provisional draft replaces “[cite to appropriate references to general state law]” with “as provided law”

Alternatively could replace with “33-1-219 and 71-3-551”. [33-1-219](#) defines mortgage guaranty insurance to include insurance against liens. [71-3-551](#) provides for the substitution of a bond for a lien, but does not discuss substitute collateral or insurance against the lien.

Page 83: Commented [MK76] Maddie Krezowski 11/25/2025 1:14:00 PM

This provisional draft changes reference from "[70-24-304](#)" to "[Title 70, chapter 24](#)" which is the Landlord tenant act generally.

Page 83: Commented [MK77] Maddie Krezowski 11/25/2025 2:36:00 PM

Sec. 84 and existing sections [28-2-2201](#) and [28-2-2202](#) provide for warranty requirements for residential construction contracts and sales of newly constructed residences

Page 85: Commented [MK78] Maddie Krezowski 11/25/2025 2:41:00 PM

Note that SB 143 (2025) lowered the prior statute of limitations for contracts ([27-2-202](#), MCA) and improvements to real property ([27-2-208](#), MCA) to six years matching the statute of limitations provided in Sec. 87

Page 86: Commented [MK79] Maddie Krezowski 11/25/2025 2:54:00 PM

Sec. 88 and existing section [70-17-210](#), MCA both address enforcement actions by associations

Page 87: Commented [MK80] Maddie Krezowski 11/25/2025 3:01:00 PM

Existing sections [76-3-303](#) and [76-25-411](#) have a corresponding requirement to the recording requirement in Sec. 91

Page 87: Commented [MK81] Maddie Krezowski 2/20/2026 12:15:00 PM

This provisional draft adds "licensed in this state" in Sec. 91. Follows form used in Sec. 22(2)

Page 87: Commented [MK82] Maddie Krezowski 11/26/2025 9:06:00 AM

Dates in the transition provisions in Sec. 92 are taken from HB 619. These dates will need to be updated to correspond to a new effective date for the statute

Page 87: Commented [MK83] Maddie Krezowski 11/26/2025 9:28:00 AM

Sec. 92(3) allows a common interest community to elect to not be subject to the Uniform Act. This provisional draft removes the repeal of the Unit Ownership Act, [Title 70, Chapter 23](#), that was in HB 619, because Sec. 92(3) makes it possible that some common interest communities may continue to operate under that law if they act under this subsection and amend their declaration accordingly.

The committee could consider an additional provision here that in addition to recording an amendment to the declaration, the association also has to file with the Secretary of State (or another suitable state agency) that they have opted out of the Uniform Common Interest Ownership Act and that the SoS report the Local Government Interim Committee on whether or how many associations have opted out. This way the committee/Legislature can consider repealing the Unit Ownership Act if no association is governed by it.

Page 87: Commented [MK84] **Maddie Krezowski** **11/26/2025 9:10:00 AM**

Additional statutes that are expressly applicable to common interest communities could be included in Sec. 93 that potentially conflict or are duplicative of the provisions of the Uniform Act

Page 88: Commented [MK85] **Maddie Krezowski** **11/26/2025 9:12:00 AM**

This provision draft updates the internal citation in Sec. 94(1)(a)

Page 89: Commented [MK86] **Maddie Krezowski** **11/25/2025 3:12:00 PM**

HB 619 added the reference to Sec. 34 in Sec. 94(1)(h)

Page 89: Commented [MK87] **Maddie Krezowski** **11/25/2025 3:12:00 PM**

HB 619 added the reference to Sec. 38(1) in Sec. 94(1)(i)

Page 90: Commented [MK88] **Maddie Krezowski** **11/26/2025 9:32:00 AM**

This provisional draft adds an effective date section to the bill because the effective date of the bill impacts the dates in the transition provisions in Sec. 92 through 95

Header and footer changes

Page 1: Deleted **Maddie Krezowski** **10/31/2025 12:33:00 PM**

HB 619

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Text Box changes

Header and footer text box changes

Footnote changes

Endnote changes