

HOUSE BILL NO. 416

INTRODUCED BY J. HINKLE, L. BENNETT, C. SCHOMER, E. BUTTREY, K. ZOLNIKOV, B. BARKER, N.  
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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REQUIREMENTS FOR A HOMEOWNERS'  
ASSOCIATION TO SEEK PERMISSION FOR ENTRY ON REAL PROPERTY; PROVIDING THAT AN OWNER  
OF REAL PROPERTY MAY REQUIRE THAT THE OWNER OR THE OWNER'S AGENT BE PRESENT; AND  
PROVIDING A DEFINITION AND EXCEPTIONS."

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

**NEW SECTION. Section 1. Requirements for entry on real property by agent of a homeowners' association -- EXCEPTIONS.** (1) (a) A homeowners' association must receive permission from an owner of real property before an agent of the homeowners' association may enter the property.

(b) When seeking permission for an agent of the homeowners' association to enter the property, the homeowners' association shall:

- (i) seek to establish a date and time to enter the property that is convenient to the owner; and
- (ii) specify what part of the property the agent of the homeowners' association seeks to access.

(2) An owner of real property may require that the owner or the owner's agent be present when an agent of the homeowners' association enters the property.

(3) This section does not affect any implied license an agent of a homeowners' association has as a member of the public to access the areas of real property generally open to the public, such as sidewalks, front pathways, or the front door of a house.

(4) As used in this section, "homeowners' association" means an association of all the owners of real property within a geographic area defined by physical boundaries that:

- (a) is formally governed by a declaration of covenants, bylaws, or both;
- (b) may be authorized to impose assessments that, if unpaid, may become a lien on a member's real property; and

1 (c) may enact or enforce rules concerning the operation of the community or subdivision.

2 (5) THIS SECTION DOES NOT APPLY TO CONDOMINIUMS WHERE THERE ARE COMMON ELEMENTS THAT  
3 MUST BE ACCESSED BY ENTERING THE UNIT AND FOR WHICH THE DECLARATION OF COVENANTS OR BYLAWS SET FORTH  
4 THE TERMS OF ACCESSING THE UNIT.

5 (6) THIS SECTION DOES NOT APPLY TO EASEMENTS OF RECORD THAT SPECIFICALLY BENEFIT THE  
6 HOMEOWNERS' ASSOCIATION.

7  
8 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an  
9 integral part of Title 70, chapter 16, part 1, and the provisions of Title 70, chapter 16, part 1, apply to [section 1].

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