

## 1 SENATE BILL NO. 268

2 INTRODUCED BY B. HOVEN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MOBILE HOME  
5 PARKS; ALLOWING A RESIDENT ORGANIZATION TO PETITION A LOCAL GOVERNING BODY FOR THE  
6 CONDEMNATION OF A MOBILE HOME PARK; REVISING ALLOWED USES OF EMINENT DOMAIN TO  
7 PRESERVE AFFORDABLE HOUSING OPTIONS, INCLUDING MOBILE HOME PARKS; AND AMENDING  
8 SECTION 70-30-102, MCA."

9

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

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12 NEW SECTION. Section 1. Petition to obtain park -- resident-owned community. (1) If the  
13 residents of a mobile home park experience rent increases significantly above the consumer price index,  
14 charges for services previously included in the lot rent, onerous restrictions on activities or possessions, a lack  
15 of park maintenance, a proposed change in land use, or other activities that reduce the quality of life or value of  
16 mobile homes in the mobile home park, the residents may petition the local governing body to condemn the  
17 mobile home park to preserve affordable housing.

18 (2) The local governing body may move to acquire by condemnation the mobile home park as allowed  
19 in 7-5-4106 if at least 60% of the owners of mobile homes located within the mobile home park sign a petition  
20 pursuant to subsection (3). If the local governing body moves to condemn the mobile home park, the property  
21 must be disposed of as provided in subsection (4).

22 (3) Before petitioning the local governing body, the mobile home owners shall organize as a resident-  
23 owned community and obtain commitment for financing or funding necessary to operate the park.

24 (4) If the resident-owned community has secured necessary financing or funding to operate the park,  
25 the local governing body shall return ownership of the mobile home park to the resident-owned community  
26 when the mobile home park is acquired by condemnation as provided in subsection (2).

27 (5) As used in this section, "resident-owned community" means a nonprofit cooperative consisting of  
28 each mobile home owner residing in the mobile home park who own an equal share of the land within the

1 boundaries of the mobile home park and manage the park collectively.

2

3 **Section 2.** Section 70-30-102, MCA, is amended to read:

4 **"70-30-102. Public uses enumerated.** Subject to the provisions of this chapter, the right of eminent  
5 domain may be exercised for the following public uses:

6 (1) all public uses authorized by the government of the United States;

7 (2) public buildings and grounds for the use of the state and all other public uses authorized by the  
8 legislature of the state;

9 (3) public buildings and grounds for the use of any county, city, town, or school district;

10 (4) canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the  
11 inhabitants of any county, city, or town;

12 (5) projects to raise the banks of streams, remove obstructions from streambanks, and widen,  
13 deepen, or straighten stream channels;

14 (6) water and water supply systems as provided in Title 7, chapter 13, part 44;

15 (7) roads, streets, alleys, controlled-access facilities, and other publicly owned buildings and facilities  
16 for the benefit of a county, city, or town or the inhabitants of a county, city, or town;

17 (8) acquisition of road-building material as provided in 7-14-2123;

18 (9) stock lanes as provided in 7-14-2621;

19 (10) parking areas as provided in 7-14-4501 and 7-14-4622;

20 (11) airport purposes as provided in 7-14-4801, 67-2-301, 67-7-210, and Title 67, chapters 10 and 11;

21 (12) urban renewal projects as provided in Title 7, chapter 15, parts 42 and 43, except that private  
22 property may be acquired for urban renewal through eminent domain only if the property is determined to be a  
23 blighted area, as defined in 7-15-4206(2)(a), (2)(h), (2)(k), or (2)(n), and may not be acquired for urban renewal  
24 through eminent domain if the purpose of the project is to increase government tax revenue;

25 (13) housing authority purposes as provided in Title 7, chapter 15, part 44;

26 (14) county recreational and cultural purposes as provided in 7-16-2105;

27 (15) city or town athletic fields and civic stadiums as provided in 7-16-4106;

28 (16) county cemetery purposes pursuant to 7-11-1021, cemetery association purposes as provided in

- 1 35-20-104, and state veterans' cemetery purposes as provided in 10-2-604;
- 2 (17) preservation of historical or archaeological sites as provided in 23-1-102 and 87-1-209(2);
- 3 (18) public assistance purposes as provided in 53-2-201;
- 4 (19) highway purposes as provided in 60-4-103 and 60-4-104;
- 5 (20) common carrier pipelines as provided in 69-13-104;
- 6 (21) water supply, water transportation, and water treatment systems as provided in 75-6-313;
- 7 (22) mitigation of the release or threatened release of a hazardous or deleterious substance as
- 8 provided in 75-10-720;
- 9 (23) the acquisition of nonconforming outdoor advertising as provided in 75-15-123;
- 10 (24) screening for or the relocation or removal of junkyards, motor vehicle graveyards, motor vehicle
- 11 wrecking facilities, garbage dumps, and sanitary landfills as provided in 75-15-223;
- 12 (25) water conservation and flood control projects as provided in 76-5-1108;
- 13 (26) acquisition of natural areas as provided in 76-12-108;
- 14 (27) acquisition of water rights for the natural flow of water as provided in 85-1-204;
- 15 (28) property and water rights necessary for waterworks as provided in 85-1-209 and 85-7-1904;
- 16 (29) conservancy district purposes as provided in 85-9-410;
- 17 (30) wharves, docks, piers, chutes, booms, ferries, bridges, private roads, plank and turnpike roads,
- 18 and railroads;
- 19 (31) canals, ditches, flumes, aqueducts, and pipes for:
- 20 (a) supplying mines, mills, and smelters for the reduction of ores;
- 21 (b) supplying farming neighborhoods with water and drainage;
- 22 (c) reclaiming lands; and
- 23 (d) floating logs and lumber on streams that are not navigable;
- 24 (32) sites for reservoirs necessary for collecting and storing water. However, reservoir sites must
- 25 possess a public use demonstrable to the district court as the highest and best use of the land.
- 26 (33) roads, tunnels, and dumping places for working mines, mills, or smelters for the reduction of ores;
- 27 (34) outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from
- 28 mines, mills, and smelters for the reduction of ores;

1 (35) an occupancy in common by the owners or the possessors of different mines of any place for the  
2 flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction of  
3 ores and sites for reservoirs necessary for collecting and storing water for the mines, mills, or smelters.  
4 However, the reservoir sites must possess a public use demonstrable to the district court as the highest and  
5 best use of the land.

6 (36) private roads leading from highways to residences or farms;

7 (37) telephone or electrical energy lines, except that local government entities as defined in 2-7-501,  
8 municipal utilities, or competitive electricity suppliers may not use this chapter to acquire existing telephone or  
9 electrical energy lines and appurtenant facilities owned by a public utility or cooperative for the purpose of  
10 transmitting or distributing electricity or providing telecommunications services;

11 (38) telegraph lines;

12 (39) sewerage of any:

13 (a) county, city, or town or any subdivision of a county, city, or town, whether incorporated or  
14 unincorporated;

15 (b) settlement consisting of not less than 10 families; or

16 (c) public buildings belonging to the state or to any college or university;

17 (40) tramway lines;

18 (41) logging railways;

19 (42) temporary logging roads and banking grounds for the transportation of logs and timber products to  
20 public streams, lakes, mills, railroads, or highways for a time that the court or judge may determine. However,  
21 the grounds of state institutions may not be used for this purpose.

22 (43) underground reservoirs suitable for storage of natural gas;

23 (44) projects to mine and extract ores, metals, or minerals owned by the condemnor located beneath  
24 or upon the surface of property where the title to the surface vests in others. However, the use of the surface of  
25 property for strip mining or open-pit mining of coal (i.e., any mining method or process in which the strata or  
26 overburden is removed or displaced in order to extract the coal) is not a public use, and eminent domain may  
27 not be exercised for this purpose.

28 (45) projects to restore and reclaim lands that were strip-mined or underground-mined for coal and not

1 reclaimed in accordance with Title 82, chapter 4, part 2, and to abate or control adverse effects of strip or  
2 underground mining on those ~~lands.~~ lands; and  
3 (46) the preservation of affordable housing options, including mobile home parks as provided in  
4 [section 1]."

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6 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
7 integral part of Title 70, chapter 33, part 3, and the provisions of Title 70, chapter 33, part 3, apply to [section 1].

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